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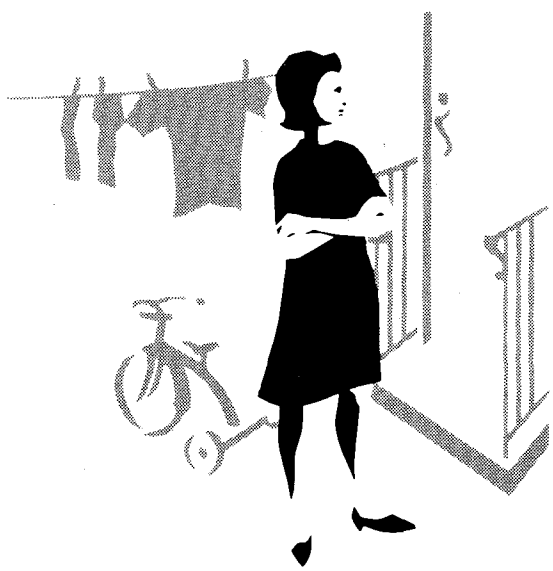

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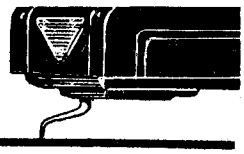

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# TRB

from Boston ®

## Pilgrimage

Business took me to Boston and I hired an Avis car for a quick private pilgrimage. The car had air conditioning and an annoying trick of buzzing after me if I left the door open. I don't mind people telling me off but things have come to a pretty pass when a hunk of machinery begins giving you orders.

The first step was Brandeis. Years back, half a century maybe, my father befriended a group of Jewish boys who wanted to form a club. He was a high school teacher in Flatbush and when nobody else came forward he, who was a stout Unitarian, volunteered. Mu Sigma prospered, spread and, I was told, had set up plaques and inscriptions around Brandeis and maybe my father's name was mentioned.

It was a fine summer day, a week or so after commencement, and I found a splendid sculpture of Justice Brandeis, with his robes flowing, at the center of things. But my information was wrong. Here and there were plaques to the Society but no special reference to an inconspicuous high school teacher – as, indeed why should there be? – who had merely given a hand at a trying point. It was just my fancy.

I continued my pilgrimage with thoughts divided between a car that buzzed at me nastily every time I got out at a filling station, and the larger question of how little remains after a person is gone. We can't all be a Brandeis! My father bordered, I should say, on the eccentric. He wore a gold chain, a Victorian gold watch, a pearl tie stickpin and a derby, and made a practice of bringing home firewood from the trees – which he enjoyed splitting and sawing up – in an old wicker baby carriage through a respectable neighborhood. He was a poet, besides being an English teacher, and when he was getting his Ph.D. at Boston University he would sell poems to Hezekiah Butterworth of *The Youths' Companion* to help pay rent. The generation gap hadn't been invented in those days. The family relationship expressed itself, I guess, in the fact that we called him "George." At the turn of the century he had a school salary of $2000, which was adequate in Brooklyn to pay for the house with its big front porch (called "stoop" in Dutch Flatbush) and at economic peaks to hire a maid.

Musing on these things I took the cutoff at Sagamore from Route 6 and shortly drove up to the Community Church at Onset. Onset is a modest tourists' town in a pretty setting, with its shopping street filled with seashore knickknacks; when the "summer people" leave after Labor Day it settles back to enjoy its native scallops and cranberries. My mother gave the church a little bequest and somebody had written to me something about an inscription to her in the hymn books. It was Sunday, and they would be holding services, and I thought I would go in and later on, maybe, introduce myself.

But tacked on to the church "All Welcome" sign was a paper saying that services had been transferred to Wareham. Children played on Highland Avenue. The church was closed.

I broke in through a side door and wandered moodily around the red carpeted aisles in the hushed chamber. The little stained-glass window behind the altar was donated by "The Ladies Aid: 1903-1957." Susie belonged. The altar Bible (published by William W. Harding, Phila. 1868) was given in memory of Mr. and Mrs. B. A. Atkins, presented by their brother, A. S. Atkins, and open at Ezekiel XXXIV. I brushed off the dust.

The Honor Roll "European War" had 23 Anglo-Saxon names plus Gordon Tsakiroglow. Somebody had written "(Young)" beside it, in parentheses. There was also a batch of service stars arranged to form a Cross, and one gold one in the middle. On the way downstairs was an old-fashioned telephone with a hand crank. The basement was modern and evidently actively in use by Boy Scouts. On a shelf in the minister's study was a box of elegant marriage booklets with spaces for names and dates, and transparent paper between pages, and tied with white ribbon. Everything had stopped short – like a clock. The foot-high pile of *Newsweeks* and *The Christian Century* ended Oct. 7, 1970.

I looked through a lot of hymnals in the pew racks knowing, somehow, all the time, that it would be like Brandeis, everybody's name there but Susie's. She lived alone in Onset after George went till she broke her hip. There was one other man in her life (or so we pretended) the one who went West, and we used to tease her fondly about it and she would tell us she preferred George. I thought I knew every secret she had. But once she told me something I hadn't known. She had gone up through the trapdoor into the attic and opened the old trunk and fetched out a packet of letters, from California, and walked over to Dummy Bridge and dropped them down one by one as the tide went out. She didn't explain further. It was none of my business. The letters floated away.

Well, I had drawn a blank twice . . . I headed the car north and, in an amazing two hours was where it would have taken me a full day on the old Boston & Maine (change at Nash-u-ay, on the *FITCH*burg line). Now the highway runs right over the old railroad that cut across Grandpa Lang's farm in the '70s where the first engine scared Susie in her pinafore. But you can still hear the Bar Harbor Express roar past the South Lee depot, on a dark night, if the whippoorwills aren't too loud.

I knew just where to go. Off the highway, through the trees, up the bank and there, under the shag-bark hickory, with four generations of ancestors, are George and Susie; he 91, she, 98. Across the pasture in full sight is the farmhouse where Susie was born. She is back where she started, and where he married her.

The trees made a nice sound. A chipmunk whisked by on important business. As I turned back south, I wondered what it all meant; George with his forgotten deeds at school, Susie with her aid to a closed church. They hadn't accomplished much, had they? Nothing, I guess, save that all the way back to Boston I kept wondering what I had written lately that might please them.

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# Clash of Absolutes

The Department of Justice's lawsuit against *The New York Times* over publication of the Pentagon's Vietnam studies began like a constitutional law professor's dream. On one side was the government, invoking the national security to prevent the reprinting of documents whose disclosure, according to the official definition of their "Top Secret" classification, would produce "exceptionally grave damage to the nation" such as "a definite break in diplomatic relations," "an armed attack against the United States or its allies," "a war," or "the compromise of military or defense plans." On the other side was the most respected of daily newspapers, claiming the constitutional right to publish what it chose without any "prior restraint" – that is, without restriction, limitation or censorship in advance of publication. In this clash of near-absolutes would the press or national security prevail?

When the gate was finally opened by newly appointed Federal District Judge Murray Gurfein, neither the lady nor the tiger emerged. Judge Gurfein's own examination of parts of the 47-volume "Top Secret" study of Vietnam policy between 1945 and 1967, even when complemented with testimony of State and Defense Department personnel taken in secret court sessions and with the opportunity given the Justice Department "to pinpoint what it believed to be vital breaches of our national security," failed to produce "cogent reasons . . . as to why these documents, except in the general framework of embarrassment . . . would vitally affect the security of the nation." The same conclusion was ultimately reached by Judge Gerhard Gesell in Washington, who was assigned the government's parallel case against *The Washington Post*. Judge Gesell was slightly more willing to confront the broad issue at the inception of the case and was obviously uncomfortable with the "uncongenial" role of having to decide whether US defense interests would be prejudiced by disclosure. Both Gesell and Court of Appeals Judge J. Skelly Wright – who dissented from the appellate court's reversal of Gesell's initial refusal to block publication temporarily – would have rejected the Justice Department's request for an injunction without so much as glancing at the embargoed studies. They reasoned that if the government wished to get even one day's delay in publication of the documents, it would have to do more

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than just cite their "Top Secret" classification.

So as the lawsuits progressed to hearings before the full array of federal appellate judges in New York and Washington – and as new leaks in the dike appeared in Boston, Chicago, Los Angeles and the 11 Knight newspapers – the principal legal issue came down to whether courts must give in to the Defense Department's security classifications and suppress the publication of documents (or reports of their contents) even if the judges see no basis, on their own review of the material, for any claim of danger to the national security.

There is more than a trace of arrogance to the contention that what Judge Wright called "the sweep of a rubber stamp labeled 'Top Secret' " by a faceless bureaucrat should foreclose public knowledge of official conduct on important public issues. Government attorneys have tried to soften the high-handedness of this argument by pointing to the Executive's "intimate and detailed knowledge of the facts on which the defense of this nation rests" and by quoting George Washington and Thomas Jefferson on the importance of secrecy in conducting foreign affairs. The government's claim may have been best stated by Harvard Law Professor Roger Fisher – a Defense Department consultant – who in a letter to the *Times* argued that (1) the government must have the authority to issue security classifications, (2) such classifications should not automatically be voided by passage of time, (3) the institutional decision to declassify must also be made by the government, and (4) the government's classification (or refusal to declassify) should be overruled only if it is demonstrably capricious, arbitrary or irrational.

One of the lesser flaws in the argument is its anthropomorphization of "government." The man who attached the "Top Secret" classification to 47 volumes of the Vietnam Study had little of the "intimate and detailed knowledge" cited. And it is his decision which the Justice Department is asking the courts to enforce by restraining public comment and expression. Another flaw – or possibly a skillful tactic – is the repeated effort by government attorneys to equate the right to publish with the right to possess under the federal Freedom of Information Act. Newspapers often publish documents "leaked" to them from internal government sources without any claim that they could have obtained access to such documents by legal action. If an internal HEW or Department of Agriculture memorandum which is administratively confidential were given to a newspaper, it could be published as any private memorandum might. The government agency might well have reason to fire the "leaker" for violating the regulations which are conditions of his employment and it could have refused to hand the document over on request, but it has never been suggested that the agency could prevent its publication by court order. Similarly, the *Times* was not contending that it had the right to declassify the Pentagon Papers, or that it was entitled to them under the federal act. Its contention was simply that it was not bound by the restrictions which the Defense Department might impose for internal purposes.

The most serious problem with the government's position is the unilateral and unreviewable nature of the security classification decision. Even Professor Fisher and United States Attorney Whitney North Seymour in his oral presentation before the Court of Appeals were prepared to admit that a document which is overclassified or denied declassification arbitrarily or irrationally (not the most appropriate standard when the countervailing interest is free expression and the public's right to know), may be published. Who is to make that decision? If the Justice Department had its way, no court would have the power to look beyond the legend stamped on the paper and the regularity of the procedure for declassification. So the government's position comes down to a plea for judicial abdication – possibly appealing 20 years ago but not as likely to be approved at a time when courts no longer keep a respectful distance from political thickets.

Even more intriguing than the outcome of the litigation is its motivation. What prompted Attorney General Mitchell and his advisers to institute so "terribly unpopular" a proceeding (to quote United States Attorney Seymour)? What moves them at this time to threaten criminal prosecution of whoever participated in the disclosure and publication of documents whose security classification, even if once appropriate, is not now? And finally, could the attorney general really have believed that the legal action, if successful, would have prevented the ultimate disclosure of the Pentagon Papers?

A simple and obvious explanation lies in the expansive view that Mr. Mitchell takes of the term "national security." He has invoked it to justify wiretaps of domestic organizations without the court orders required by the 1968 Crime Control Act. For this authority he cites presidential communications of 1940, 1947 and 1965, the last of which permitted electronic surveillance when "essential in protecting our national security." If it is "national security" which is threatened by the activities of the Black and White Panthers or the Jewish Defense League, there is some logical consistency in seeing some such interest jeopardized by the disclosure of high-level Vietnam strategy memoranda and 1964-1965 cable traffic. And if, as the Justice Department has been advocating in court, the unilateral judgment of the attorney general as to the sufficiency of the threat to national security must be accepted without question by courts in criminal cases, it follows that no less

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respect should be given to the Defense Department's considered opinion on the appropriateness of the security classification attached to a particular document.

Some courts have, quite understandably refused to embrace Mr. Mitchell's broad definition of "national security." Two federal trial judges have accepted it and three have rejected it. One of the decisions against the government has, in turn, been affirmed by the Federal Court of Appeals in Cincinnati. In seeking review by the Supreme Court, Solicitor General Griswold's brief explained how he believed the constitutional requirement of "reasonableness" (ordinarily determined before a search by a judicial officer) could be satisfied if the attorney general had the exclusive right to decide – without ever being held accountable to a court – who should be "tapped" or "bugged" in the interest of national security. In reasoning parallel to that used in the *Times* and *Post* cases, it said that "power auxiliary to the responsibilities of the President, our Chief Magistrate, and by him expressly delegated to the Attorney General, for whom the President is responsible, provides the basis for reasonableness specified by the Constitution." In other words, the "Chief Magistrate" is, by definition, reasonable, and no check on his judgment – and that of his authorized delegates – is constitutionally necessary. In the very midst of the *Times* and *Post* controversy – on the day of the argument and trial-court judgment in Washington – the Supreme Court quietly noted that it would consider the issue during the next term of court.

Logical consistency is not, however, the only available explanation for the government's readiness to do battle with the *Times, Post, Boston Globe, Los Angeles Times*, and anyone else over publication of the Pentagon Papers. A more ominous possibility is suggested by the pattern of escalation in the Justice Department responses to crises arising out of dissatisfaction with our Vietnam policy during the first half of 1971. One need only consider the indictment of Reverend Philip Berrigan and seven co-defendants on a conspiracy-to-kidnap charge based, so far as one can tell, on portions of a letter from a nun (who was named as Berrigan's co-defendant) to the priest in prison and Berrigan's reply. According to the correspondence – pieces of which were attached to the indictment – a film was to be taken of the entire episode, which Berrigan's co-defendant saw as "largely 'drama' with little lasting effect" and which Berrigan, in response, called "brilliant but grandiose."

The full extent of the government's evidence in the Berrigan case will not be known until trial, but a reading of the indictment and its attachments leaves us with a disquieting feeling that the defendants are being prosecuted on this charge because their plan got as far as the wild and disoriented recitals in the correspondence to and from prison. If so, there is some element of paranoia – or, at the very least, gross misjudgment – in the prosecution.

Doubts as to the Justice Department's judgment were reinforced on May 3, 4 and 5, with its response to the Mayday demonstrators and with the subsequent statements of the attorney general, deputy attorney general, and even the President himself at his press conference of June 1. The tactic utilized in dealing with a group which the President described as "vandals and hoodlums and lawbreakers" was to arrest more than 12,000, of which less than half of one percent have been convicted, with the remainder of the charges being dropped. An arrest has a definite purpose in our legal system – it is designed as the initial stage in a criminal prosecution and it may not, under the Constitution, be made except if there is probable cause to believe that the arrested person committed an offense. An arrest carries consequences – fingerprinting, photographing and a permanent record with law-enforcement authorities. There should be some serious doubt in the minds of the country's highest legal officers whether arrests are an appropriate way of cleaning the streets to allow traffic to move unimpeded. Yet that is the only justification that has ever been offered for the mass arrests – which dragged in a considerable number of totally innocent bystanders – of May 3, 4 and 5. There were – and always have been – other methods for keeping highways clear, including the simple preventive technique of cordoning them off. Would it not have been possible, for example, to simply pick up and move – to the other side of town, if necessary – anyone who insisted on remaining on the street in defiance of an order to leave?

The Berrigan case, the Mayday arrests, the domestic subversion wiretaps and, now, the Pentagon Papers raise serious questions as to the Justice Department's judgment and sense of proportion. The sprouting of various fragments of the Pentagon Papers in different cities throughout the country could not have been totally unexpected. Did the Attorney General believe that he would succeed in suppressing them if his lawsuit against the *Times* was won? Was his response to the publication not overreaction and unwise use of prosecutorial and judicial resources – much as might be said of the Berrigan and Mayday incidents?

Judge Gurfein, whose memorandum opinion is a model of judiciousness, sought to remind the government that "the security of the nation is not at the ramparts alone. Security also lies in the value of our free institutions." The Justice Department prefers, apparently, to lead the charge in battle. It may do so, as Judge Gurfein noted time and again, "in absolute good faith to protect its security." But that is not a good enough defense. Over forty years ago, Justice Louis Brandeis recognized the danger: "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

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# Hopes and Fears

A new and interesting study of America and its concerns is out. President Nixon's friend and the Republican Party's one-man conscience, J. Irwin Miller of Indiana, financed it. Its title, *Hopes and Fears of the American People*, describes it pretty well. It is a small book sponsored by a Miller research operation called Potomac Associates, Inc., which is based in Washington, DC and is run by William Watts, a former Nixon-Kissinger NSC assistant who quit in protest against the Cambodian incursion last year. Potomac and its contract publisher, Universe, in New York, intend *Hopes and Fears* to be the first of a series. It is a good beginning. One of its authors, Albert Cantril, is a son of the late Hadley Cantril, a famous pollster-psychologist. Albert Cantril and his co-author, Charles W. Roll, Jr., draw upon polls that were done for Potomac in January and April of this year by the Gallup organization. They use a technique of depth analysis developed by Hadley Cantril and by Lloyd A. Free of the Institute for International Social Research, whose earlier surveys provide a basis for comparison with present attitudes.

The central finding on Vietnam is what might be expected: the proportion of pollees who want out of the war, even on terms that might lead to Communist control of South Vietnam, increased from 31 percent in 1968 to 55 percent in 1971. The antiwar sentiment is explored in detail, but some of the other conclusions are more interesting because they are less familiar. A system of analysis of the poll returns that rates both personal and national hopes and fears in the light of the worst and the best assumptions produces some fascinating contrasts between personal and national reactions. Personally, pollees of all conditions and population groups, black and white, profess to feel that they are doing very well – a damn sight better, in fact, than much economic and social news would lead anyone to suppose. Nationally, meaning how pollees rate progress or lack of it in the society as a whole, there is an extremely interesting difference. On a "ladder" scale devised by Lloyd Fine, *white* pollees consider that the nation has retrogressed rather than progressed in recent years and do not expect much improvement. Black pollees consider that the society has advanced and expect it to continue to advance. Both races and all population and age groups share what the authors consider to be their "most startling finding . . . a new and urgent concern over national unity, political stability, and law and order." The degree of apprehension tends to vary with economic and social well-being – the more educated have the greater fears of a disastrous breakdown in national unity and order. Pollees who think Mr. Nixon is doing well are less fearful for the future than people who think he's a disaster.

**COMING:** the Presidential noncandidacy of Wilbur Mills — a report by Paul R. Wieck

# No More Fingerprints

*"A heavy burden is placed on all branches of government to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land."*

Thus speaking, federal Judge Gerhard A. Gesell did his own part. Ruling on a lawsuit brought by a California man (*NR*, June 12, 1971), he directed that the FBI may no longer distribute arrest records and fingerprints outside the federal government for other than law enforcement purposes.

The decision was bound to be a blow to the nation's banks, which, as federally insured institutions, had long taken advantage of carte blanche with the bureau's fingerprint data. So had insurance companies, in many instances, as well as any agency which contributed fingerprints to the files. No longer, as a result of Gesell's decision, would the FBI be authorized to run fingerprint checks on every applicant for a license to practice medicine in Nevada, "female entertainers performing in establishments serving intoxicating beverages" in Springfield, Mo., "all nonresidents seeking employment" in Provincetown, Mass., and a host of other bizarre categories defined only because of their inclusion in esoteric local statutes. "The compelling necessity of federal action to supply criminal information cannot be established by the whim or intolerance of any local board of selectmen," he said.

Gesell might have done more – such as preventing the FBI from disseminating *any* arrest record or fingerprints, even for law enforcement purposes, unless the arresting police had updated the record with information concerning the disposition of a particular case. But that might have put some of the FBI identification division's 3300 employees out of work; for while it receives an average of 29,000 sets of prints a day for processing, in 1970 only 8000 arrest records were up-

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dated to the point of being returned after the person was found innocent or after charges were dropped.

The judge called on Congress to legislate some guidelines for the FBI identification setup, a "system . . . out of effective control." Those guidelines, presumably, could also control currently untouched state identification distribution systems. But in the meantime, "the overwhelming power of the federal government to expose must be held in proper check."

# Victimless Crime

Police, prosecutors, courts and prisons all devote an inordinate amount of money and manpower to problems which might best be handled by other agencies in other ways, and the prevention of real crime suffers as a result. The San Francisco Committee on Crime, a citizens' group funded in part by the Law Enforcement Assistance Administration of the US Department of Justice has studied the extent to which law enforcement agencies in San Francisco involve themselves with the so-called crimes without victims: drunkenness, drug use, prostitution, gambling and sexual deviance. The Committee found, for instance, that more than 50 percent of the arrests in San Francisco in 1969 were for nonviolent crimes without victims or crimes whose "victims" were consenting adults. The total included 16,500 arrests for drunkenness, 4900 for drug offenses in which no other charges were involved, 3200 for prostitution and 593 for private gambling. More than 40 percent of the inmates in county jail, the committee found, are there as a result of drunk arrests, and nearly a third of the jury trial demands in municipal court are in prostitution cases.

The criminalization of victimless acts has social consequences that cannot readily be measured in terms of dollars or man-hours. Imprisonment rarely cures alcoholics or drug addicts and never turns prostitutes into virgins or homosexuals into heterosexuals. It often has opposite effects, exposing basically decent citizens to hard-core criminals and fostering homosexuality, and making prostitutes more indebted to pimps for legal defense. Enforcement of laws against self-indulgence also tends to fall most heavily upon young people and minority groups, adding to the growing distrust of police.

Part of the problem, of course, is that when laws are on the books, it's the responsibility of police to enforce them. Local politicians often add pressure on police by demanding, usually around election time, that the streets be "swept clean." What is needed instead is not more law enforcement but new ways of approaching crimes without victims that lessen the burdens on taxpayers and the legal machinery. Some cities, such as St. Louis, have begun taking alcoholism out of the criminal process and are concentrating on detoxification and rehabilitation; off-beat sexual activities between consenting adults are tolerated in a growing number of cities, though there are still many police departments who employ decoys to trap homosexuals. A sensible extension of these new approaches would be to de-criminalize private gambling, discreet off-street prostitution and the possession or use by adults of small quantities of marijuana. President Nixon's Commission on Marijuana and Drug Abuse, chaired by former Pennsylvania Governor Raymond Shafer, seems receptive to proposals in the latter area; it is currently touring the country collecting evidence on the effects of outlawing the smoking habits of as many as fifteen million otherwise law-abiding Americans. Unfortunately, Mr. Nixon has a habit of ignoring his own commissions, particularly those headed by Republican ex-governors of Pennsylvania, and has already stated that he'll ignore this one if it recommends legalizing marijuana.

The San Francisco Crime Committee, while it came to no decision on marijuana, did reach conclusions on victimless crime generally. It suggested that police put priority on controlling crimes of violence and warned that "if a breakdown in the system of law enforcement is to be avoided, it is necessary to stop loading upon the system of criminal law tasks that are unnecessary or for which it is not well fitted."

## Waiting to Be Born

# Soul City

In a verdant but economically depressed North Carolina county just south of the Virginia border a "new city," conceived by a black man, is waiting to be born; waiting, that is, for a loan guarantee of $33 million from the Department of Housing and Urban Development. Soul City in Warren County is the dream of Floyd B. McKissick, who quit as head of the Congress of Racial Equality (CORE) to work fulltime in this audacious venture. McKissick's enthusiasm and national reputation have brought Soul City this far; it owns some 2000 acres of farmland under a $200,000 mortgage from the Chase Manhattan Bank, which also provided $100,000 in working capital. McKissick has raised additional money from other sources and has enlisted the help of important industrialists and North Carolina city planning experts.

Though McKissick Enterprises hopes eventually to make a profit from Soul City, its concept is different

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in important respects from such better known New Towns as Columbia, Md., and Reston, Va. It is the first New City in a completely rural area, not dependent on population pressure and a growing housing market from nearby metropolises such as Baltimore and Washington. McKissick calls it a "free standing community." It is the first federally aided new community conceived and run by black management, though an effort has been made to keep the staff integrated. And unlike Columbia and Reston, it does not start with a beautiful, campus-like cluster of expensive homes, to be followed by industry for walk-to-work jobs, and finally low-cost housing to encourage an interracial population. Soul City does it the other way: it wants industry first – initially blue-collar industry that can train low-skilled workers in a month to put together corrugated boxes or prefab home modules.

Warren County's population has dropped to 15,000, about two-thirds black. Almost one-third of its inhabitants are unemployed or underemployed agricultural workers with few industrial skills. But the manufacturers Soul City hopes to attract would not depend on local markets. That is why McKissick chose a site adjacent to the Seaboard Coast Line Railroad, Route One and Interstate 85, a main north-south truck route. A jetport is 50 miles south at Raleigh-Durham. "Without industry we won't make it," says 39-year-old Gordon Carey, the white administrator who lives on the Soul City site in a trailer.

Most of the hoped-for $33 million in loans would go for water supply, sewers, roads, power and other necessities that make land attractive and saleable to industry. The profits would be plowed back into social development – individual homes, town house clusters, some high-rise apartments, recreation, a minibus system up and down Soul City's industrial "spine."

William J. Nicoson, director of HUD's office of New Communities Development, believes that "ideally there would be a mixture of housing, industry and markets simultaneously. . . . Obviously you can't build an instant city, but the closer you come to that ideal the better." He adds that, "If there is any single component [of a new community] that is absolutely essential it is jobs. I would not discourage the attraction of industry. Soul City is to be commended, regardless of whether or not its loan guarantee application is approved." Nicoson can't tip his hand, but HUD sources are making encouraging noises.

One was a May 10 letter from HUD Assistant Secretary Samuel Jackson to McKissick which began, "Your recent presentation of the Soul City New Community was excellent. Not only did it favorably impress my staff, but it also served as a primer for the review of the application." But the letter also asked voluminous additional documentation on approvals by state and regional authorities, plans for essential services and manpower training and the economic viability of the proposal. Projected over 20 years and an eventual 5000 acres, Soul City hopes to become a community of 50,000 with a hard base of 18,000 industrial jobs. McKissick says three or four suitable industries already are definitely interested. The "year one" goal is 300 to 400 jobs.

Previously, Soul City got a $200,000 slice of a $329,000 HUD regional planning grant to the state of North Carolina. Most of the planning was done by 28-year-old Harvey Gantt, who broke the color line at Clemson University and went on to a master's degree in city planning from MIT. He had help from David Godschalk, professor of city and regional planning at UNC in Durham, and others. "Any major industry with a social conscience is going to have more than a passing interest in Soul City," Godschalk says, "it could be a new way of organizing the environment, employment, life and population patterns. . . ."

Officials in Henderson, a prospering town of 13,000 10 miles south in neighboring Vance County, are cautious but generally approving about Soul City's potential. Unlike Warren, Vance County is 60 percent white, 40 percent black. Capt. W. F. Brewer (ret.), executive vice president of the Henderson Chamber of Commerce, thinks that, "If the plan is carried out as they say, why obviously it will help Henderson. . . . I've never heard any opposition expressed against it."

What is in the minds of the local officials and white citizenry, of course, is that Soul City – though open by law to all – figures to be largely black, despite administrator Carey's vow that "Soul City will make every effort to be the first town without racism." In his year of living on the site with his family Carey says there has been not a single incident of vandalism or harassment of any kind: "I don't know of any organized hate group, black or white, in this part of North Carolina." If any serious racial opposition does develop, it would center in the moribund county seat of Warrenton (pop. 1200), where white courthouse politicians have figured out that a cake of black yeast like Soul City in Warren County (63 percent black and not one black elected official) may produce far reaching political changes in the future.

Bignall Jones, 71-year-old proprietor of the weekly Warrenton *Record*, says "The opposition to Soul City is racial – if it weren't for that we'd be beating our brains out for it." But Jones agrees a prosperous new city would be an economic boon for Warren County, 98th poorest of North Carolina's 100 counties. Though he speaks freely of "niggers" in the local idiom, he treats them respectfully (calling them blacks or Negroes in print) in his paper and plans to sell a lot of copies in Soul City. "I carry all the nigger weddings," says Jones. "It's a fully integrated paper."

McKissick's dream rests with the pending loan guarantee ruling by HUD, and New Communities Director

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Nicoson points out that such a rural-based new city in a depressed agricultural area is "obviously the most risky from a financial standpoint."

**Geoffrey Gould**

MR. GOULD *is a reporter for the Newhouse News Service.*

## The Nixon Watch

# Trouble with Secrets

The first recorded comment at the White House upon the publication of the first of the documents that have come to be known as "The Pentagon Papers" was "No, we have no comment." Deputy Press Secretary Gerald Warren, who said this in answer to a question at mid-day of June 14, the day after *The New York Times* began the publication, also remarked in his only other substantive statement on the subject that the Department of Defense "has already taken action to determine the circumstances surrounding the unauthorized disclosure of classified material." A reporter's demand that Henry A. Kissinger, the assistant for national security affairs, be produced forthwith to answer questions caused Warren to say, "I am exhausted on this subject" and to defer the discussion until his superior, Press Secretary Ronald Ziegler, appeared in the press room at 1:05 p.m. But the official tone at the White House, at Defense, and at the Department of Justice had been adequately indicated with Warren's reference to "the unauthorized disclosure of classified material." Although it took several days for the fact to become fully apparent, and apparently quite a while for the controlling attitude to jell within administration councils, the desire that developed was to punish somebody for a breach of the laws and regulations governing national security. The breach could be and was excused on the grounds of First Amendment rights to free speech and free publication. But it was too obvious for denial that there had been a breach, a violation of federal regulations and probably of federal laws prohibiting the disclosure of classified documents of the kind published by the *Times* and later by other newspapers until they were estopped by courts. The subject of this report, derived entirely from public records, is the displayed reaction of the President and of his administration to the breach. The merits of the matter, including the service to history performed by the *Times*, is left to other discussion in this issue.

The very first desire of the President, assuming that he had made himself understood to and by his press secretary (as he usually does in important matters), was to have it known and believed that he, Mr. Nixon, neither needed nor relied upon a study ordered by the previous administration to inform him sufficiently as to the origins and problems of the Vietnam involvement. The point here was that the *Times'* Pentagon Papers consisted of original documents and conclusions drawn from them that had gone into a massive study ordered by former Defense Secretary Robert S. McNamara in 1967 and delivered to his successor, Clark Clifford, in 1968. Ronald Ziegler said that Mr. Nixon's very first order to his reorganized National Security Council was that it institute "a complete assessment and . . . interdepartmental study of the United States involvement in South Vietnam." The raw memos and other documents drawn upon by the McNamara crew but not its conclusions from the documents – the McNamara study itself – were "available to the President" (really meaning, available to Henry Kissinger and his NSC staff). "The President and this administration felt it was essential to undertake our own assessment, and we did that." Before and after Nixon succeeded Lyndon Johnson, Ziegler also said, "there was a complete exchange" of information about Vietnam and Indochina policy as Nixon inherited it. Later in 1969, although Ziegler didn't mention it, there was a frantic effort extending over many weeks both to recover copies of some of

*"No news is good news."*

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the Johnson White House-NSC documents carted off to Texas and to coordinate what remained of the Johnson-time White House files with those removed to Texas. But Ziegler was probably correct in his general argument that Kissinger and others reassessing Vietnam policy for Nixon had all the raw data from past administrations that they needed. The Nixon policy of gradual withdrawal announced in and after May, 1969, probably would not have been importantly altered if the new President had read every word of the McNamara study. The same basic consideration – that US security requires a South Vietnam free of Communist control – underlay policy in the Johnson-McNamara time and underlies Nixon policy today.

These were the points that Ziegler wanted to get across and the press at this stage gave him no trouble with questions of its own. Was the President concerned about the *Times* publication? The State Department had issued a mild expression of concern and beyond mentioning that, Ziegler was "not going to build up, by White House comment, the exposure of classified information." Was Nixon angered? "I don't have a personal reaction to give you." That afternoon and night, it turned out later, Attorney General Mitchell first asked the *Times* to cease publication of its "great archive" and, upon being refused, instructed the US Attorney in New York to ask a federal judge to compel the *Times* to cease, thus beginning the series of court actions that were still in process and appeared to be headed toward the Supreme Court on June 24.

Question to Ziegler, June 15: "Could you tell us why the President has ordered the Attorney General to go forward with the harassment of *The New York Times* with subpoenas and court orders?"

Ziegler (after disowning any "harassment"): "First of all, the President has not ordered the Attorney General to do this. Because highly classified documents are involved here, the Secretary of Defense requested . . . the Attorney General to conduct an investigation of this matter. . . . As you are well aware, or at least should be aware, there is a federal statute which spells out very clearly the procedures relating to classified governmental documents. Therefore, the Attorney General . . . has a responsibility to undertake an investigation and to take certain steps in accordance with the law. That is what is being done."

The initial requests to the courts (first in New York, *in re* the *Times*; then in Washington *re* the *Post*) were simply to prevent further publication. But the Justice Department briefs and the government attorneys' oral arguments harped with increasing and noticeable emphasis upon the punishable violations of law and of federal regulations that both the act of publication and the act of providing classified material to potential publishers entailed. Herbert Klein, the President's Director of Communications, told a select group of Washington correspondents that Mr. Nixon's predominant concern was not any harm that *this* publication might do but the harm to the presidency as an institution that uninhibited and (Klein implied) unpunished dissemination and publication of classified information might do. Ziegler, pressed as to whether Mr. Nixon had been consulted about and had specifically approved the legal moves to prevent publication, said that both Nixon and Mitchell had told him that the President "accepted" his Attorney General's judgment that in the situation created by the *Times* the government should not and "would not waive its responsibility to carry out the law."

By June 19, Ziegler was emphasizing for the first time the assertion that the President himself has "a responsibility . . . to enforce the law of the land" in respect to "what is considered to be unauthorized handling of highly classified documents." A continuing question, more often left unspoken than spoken at White House press sessions, was why the Nixon administration didn't let documents and analytic conclusions from those documents that dealt with and reflected upon the previous administrations speak for themselves. Ziegler answered for Nixon: "The decisions and the policies developed in the previous administration are beside the point, as far as we are concerned. The point is that we have a responsibility to enforce the law when there is unauthorized handling and disclosure of information which is specifically prohibited by law."

Why, then, didn't the administration proceed to criminal prosecution? District Attorney Whitney North Seymour said in New York that prosecution would be likely to expose and emphasize the accuracy of the disclosed information. Mr. Nixon may have given another piece of the answer when he promised to let Congress have the Pentagon Papers – still under security wraps, of course, but in circumstances that appeared to guarantee *authorized* publication later on.

**John Osborne**

## The Family Assistance Plan

# Work and Welfare

Before this year is out, and possibly this summer, Congress almost certainly will have enacted the most important contribution to social legislation since the days of the New Deal. I refer to *H.R. 1 Social Security Amendments of 1971*, reported to Congress by Wilbur Mills, chairman of the House Ways and Means Committee, and passed last week by the House, 288-132. The bill is far from perfect, no doubt it will be

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amended by the Senate, perhaps substantially; but as it stands it is a giant step forward.

The signal contributions are primarily in the controversial area of "family assistance." The 386-page report of the committee also covers old age and disability insurance benefits, which are liberalized, and the troublous medicare and medicaid, which will not occupy us here. In welfare, the bill sets national standards for benefit levels and qualification requirements for the first time, comes close to "federalizing" welfare financially as well, raises minimum benefit levels, embraces the working poor, and perhaps most important of all, provides a variety of new and superior facilities for the rehabilitation and employment of the poor. In its studious concern for detail as well as in its broad innovations, the bill goes well beyond the Family Assistance Plan originally proposed by President Nixon. And yet in nearly all of its provisions, the Mills bill still leaves a significant gap to be filled by subsequent amendment or new legislation.

Coverage is a case in point. Financial assistance under current regulations is withheld from families that include an employed father (the "working poor") and in most states from those including an adult male even if he is unemployed – the impressively unpopular "man-in-the-house rule." The new legislation drops these restrictions and would thereby increase the number of persons eligible for relief (not counting, of course, the aged, blind, and disabled) from less than 12 million to more than 19 million, when the new act goes into full effect on January 1, 1973. But aid in the new bill is still confined to families with children. Embracing single persons and childless couples would probably add an additional 3 or 4 million to relief rolls. Provisions to do so have already been prepared by Senator Abraham Ribicoff (D, Conn.) and others.

The minimum income level established by the Mills bill, for which the federal government assumes full financial responsibility, is $2400 for a family of four, a figure that will raise substantially the benefits of relief families throughout the South and in a few border and Northern states such as Kentucky, Maryland, Maine and Utah. Specifically, the bill provides $800 for each of the first two family members, $400 each for the next three members, and smaller amounts for additional members up to a maximum that any family could receive of $3600. In all, the new minimum would benefit 4 million people now on welfare in 22 states, in addition of course to the 7 million of working poor and others who will be newly added to the rolls in all parts of the country. In some states, such as Mississippi and Alabama, where present welfare payments average $700 or less per family, the improvements will be immense. Yet the Mills bill will do nothing at all for the 8 million people now on relief in the Northern states, where in nearly all instances welfare benefits are materially above the new minimum.

Indeed, the most serious shortcoming of the bill is that it might inadvertently result in reducing benefits for some of the Northern poor. To be sure, the states are free to maintain present standards by supplementing the federal contribution with additional payments of their own, but there is no compulsion for them to do so. Nor is an incentive provided through matching contributions by the federal government for supplementary allowances above the $2400 minimum. Hence, given the growing resistance to taxes in some parts of the country, cutbacks in welfare allowances are not improbable.

To forestall that possibility (and more effectively than by matching contributions) the federal government should assume the burden for *all* welfare costs, with minimum payments established realistically in accord with geographical variations in the cost of living. No family in New York or Chicago can live on $2400, or even on $4000, which is approximately the government's 1971 national standard for the poverty threshhold. Interestingly, just how much more it would cost to live on a "minimum decent" level in New York than in Tupelo, Miss., is a question that even the Bureau of Labor Statistics cannot answer from present data resources. But such figures are needed, and they're not so difficult or expensive to get.

On the other hand, raising the general minimum benefit level *is* expensive, more so than would appear superficially. The reason has to do with what the Ways and Means Committee calls "the disregard formula." Since the working poor are to be embraced under welfare, it becomes more necessary than ever to maintain an incentive for those who have jobs to keep them, and for others to get jobs when possible. If *all* of a family's earnings were deducted from its welfare allowances there would be *no* incentive. The Mills bill permits a family to keep the first $720 plus one-third of all earnings above that amount without deduction. The possible results for a family of four are shown in the accompanying table. For example, referring to the third line of the table, a family with earnings of $1800 would keep the first $720 without

MINIMUM WELFARE PAYMENTS IN THE MILLS BILL, FOR A FAMILY OF FOUR

| *Earnings* | *Family Assistance Payments* * | *Total Income* |
|---|---|---|
| None | $2400 | $2400 |
| $ 720 | 2400 | 3120 |
| 1800 | 1680 | 3480 |
| 2400 | 1280 | 3680 |
| 3000 | 880 | 3880 |
| 3600 | 480 | 4080 |
| 4140 | 120 | 4260 |
| 4320 | None | 4320 |

* Computation: Reduce total earnings by $720 annual "disregard"; then apply two-thirds of the remainder to reduce assistance payment.

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penalty, leaving $1080. Of the latter sum, it would keep one-third, or $360. The remainder, or $720, would be deducted from the basic welfare allowance of $2400, to get $1680, shown in the second column of the table. Earnings plus the welfare payment would give the family a total income of $3480.

Notice that using this formula would result in giving at least some welfare allowance to families with earnings up to $4320, called the "break-even point," at which level the deductions based on earnings would completely exhaust the basic $2400 welfare allowance. The gross cost of this family assistance program for the federal government would be $6.5 billion. If the recommendation of the National Welfare Rights Organization were followed, elevating the minimum benefit level to $5500 for a family of four, and boasting the "disregard formula" from one-third to one-half, the break-even point would rise to $11,720. Total costs, according to a Brookings Institution analysis, would escalate to $71 billion *above* present welfare outlays.

And yet, in some of the more expensive Northern cities a $5500 income for a family of four would not make for high living and in fact is only a bit above the sum welfare families in New York City get now. Allowing for geographic cost-of-living differentials scaled down below a maximum $5500 benefit level (which might apply to New York), would probably cut the total cost of the program by about one-third. A sharp look at the federal budget – focusing on such items as wasteful farm subsidies and the tax giveaways recently reported by Senator William Proxmire (D, Wis.) – might yield a considerable part of that sum without an increase in tax rates.

A further lightening of the financial burden associated with a general welfare program could be provided by effective rehabilitation services and a public employment program, for these in the long run would reduce the number on welfare rolls. More important, they get at the roots of poverty, which for most families is a social and cultural situation rather than a financial accident. It is in this area, especially, that the Mills bill makes important contributions. The bill would require "employable" persons on relief to register with the Secretary of Labor who would then "provide the necessary services, training, counseling, testing, coaching, program orientation, job training, and followup services to assist the registrant in securing employment, retaining employment, and obtaining opportunities for advancement. Provision would also be made for voluntary relocation assistance to enable a registrant and his family to be self-supporting," and for special medical assistance, child care centers and family planning guidance for welfare mothers.

One difficulty with training programs, especially in recession, is that their principal function is to let the trainee know what kind of job he is out of. But the Mills bill provides for jobs in public service projects in "health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facility and similar activities." Wages on the jobs "could not be less than the higher of the prevailing or applicable minimum wage or the federal minimum wage." Some of the employment would be financed in state, city, and county governments and non-profit organizations. A total of $1.7 billion is appropriated for training and public employment, which nearly doubles the amount currently spent by the federal government for all manpower programs.

Any requirement that people register with government for training or employment runs the risk of harshness in administration. However, this kind of requirement has applied for years to the unemployment insurance program. Furthermore, the Mills bill contains a number of safeguards – for mothers of young children, for those incapacitated in other ways, for those with special skills not applicable in public service jobs, and so on – though perhaps further analysis and debate in Congress will disclose that more are needed. For blacks in the South, the most reassuring note is that administration of the program will be completely federal.

Another possible objection, which the Mills bill meritoriously rejected, is one loudly heard on the intellectual right. The position here is that anything government may attempt to do in the economic sphere is destined to fail. Scholarly works, written in the spirit of economist Milton Friedman, document the travesties of currently disorganized training and social services, and generalize from there. They push for the negative income tax, period. (The negative income tax would distribute money to the poor on a strictly formula basis incorporated in the regular Internal Revenue Service's income tax schedule.) No public housing or rent subsidies, no social counselors or family planning guidance, no public day care centers, public health, public manpower training, public employment, or public anything else. (If you think I'm carried away, note that Friedman also opposes public education.) Commonly this argument is buttressed with the assertion that "only one percent of those on welfare are employable," despite the fact that the vast majority of those receiving family assistance are sound in mind and body, have themselves expressed a preference for jobs if they can get them, and in two-thirds of all cases (embraced in the new legislation) have had actual work experience during the year. Fortunately, in contrast, the authors of the Mills bill have looked at the statistics and view poverty as something more than a lack of money.

**Melville J. Ulmer**

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## Los Angeles vs. the Indians – I

# Trinkets for the Navajos

*Window Rock, Ariz.*

There are more than 600,000 Indians in the United States, about half of whom, including 120,000 Navajos, live in the Southwest. The Navajos are probably better off than most tribes. They have the largest reservation outside of Alaska – 24,000 square miles, about the size of West Virginia. Oil, uranium and natural gas have been found on Navajo land, and are being extracted by major corporations which pay the tribe royalties. Revenues from these mineral leases have enabled the Navajos to establish a scholarship fund and maintain a large governmental bureaucracy. Nevertheless, most Navajos live at a subsistence level, tending their pathetically dry farms or herding sheep. Average family income is under $3000 a year; unemployment chronically exceeds 60 percent; malnutrition and alcoholism are rampant.

Indians, of course, are no longer the only inhabitants of the Southwest. They've been surrounded by *genus americanus* – a strange people who, though constituting only six percent of the world's population, manage to consume 60 percent of its resources, mainly by exploiting the underdeveloped nations of Latin America, Asia and Africa, but frequently by exploiting the Indians. Within the past few decades these Americans have totally altered the face of the Southwest. They have dammed rivers, laid highways and built great cities. These cities in turn have produced smog, suburbia, and an ever-growing appetite for water and electricity.

Until recently, the water and power needs of Los Angeles, San Diego, Las Vegas, Phoenix and other Southwest cities could be met without unduly encroaching upon the Indians. By the mid-sixties, however, air pollution in Los Angeles became so bad that construction of coal-burning power plants was banned. Phoenix and Tucson exhausted their local water supplies and demanded huge infusions from the Colorado river. Throughout the Southwest the desire for electricity – stimulated by power company advertising – continued to grow many times faster than the population. The solution to these multiple problems was to go after the Indians' resources – their coal, their water, and inescapably, their land and clean air.

To this end the Southwestern power companies, joining with the US Bureau of Reclamation, developed a far-reaching plan. Coal in the Navajo and Hopi reservation (some of it high in mercury) would be strip-mined, then burned at giant generating plants that would be cooled with Colorado river water. Power from the generating plants would be carried to Los Angeles and other cities over long-distance transmission lines, and some of the power would be used by the Bureau of Reclamation to pump Colorado river water uphill to Phoenix and Tucson.

Peabody Coal, America's largest strip-miner, was brought in to dig up Black Mesa, a massive highland in the heart of Navajo and Hopi country, while the power companies themselves began building generating plants. Thus far two are completed – the Mohave plant, operated by Southern California Edison, and the Four Corners plant, operated by Arizona Public Service. Four more are scheduled for completion by 1977, and when all six are fully operational they will emit more ash and dust than New York City.

What do the Indians get for their resources? Well, for 65,000 acres of land on Black Mesa, Peabody is paying the Navajos and Hopis $1 an acre per year. For the coal itself, from what will be the largest strip-mine in the world, Peabody is giving the Indians 25 cents a ton. (By contrast, Peabody chips in 40 cents a ton to the United Mine Workers health, welfare and pension fund.) In addition to coal, Peabody is extracting nearly a billion gallons a year of pure fossil water from thousands of feet below the surface of Black Mesa. Peabody mixes this water with pulverized coal to form slurry, which is then carried to the Mohave generating plant 275 miles away by means of a giant pipeline. For use of this valuable water Peabody pays the Navajos and Hopis about $20,000.

Most interesting of all is the highly complicated shuffle by which the Navajos were coaxed into surrendering their precious Colorado river water rights in exchange for the many "benefits" that strip-mining and power-generating will bring. Because it is the only steady source of water in a region that is essentially a desert, the Colorado is probably the most contested river in the world. Navajo rights to the Colorado date back to 1868, and thus have priority – or rather *had* priority – over most recent claims. Navajo rights were also potentially very large – equal, according to US Supreme Court rulings, to the amount of water necessary to irrigate all the practicably irrigable land on the reservation. Other claimants to the Colo-

*This is the first of a two-part series on Indians of the Southwest.*

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rado's waters – and there are more claims than there is water – were understandably fearful that someday the Navajos would exercise their rights. Arizona was particularly nervous, since its plan to pump billions of gallons of Colorado water to Phoenix and Tucson hinged upon nonuse by the Navajos of their entitlements. All fears were resolved in 1968 when the Navajos were persuaded to limit their claim to 50,000 acre-feet of upper basin water, and, what was more, to give two-thirds of that to the power companies – free of charge – for cooling one of their coal-burning plants. In return for this extraordinary concession the Navajos were given Peabody's meager payments, enumerated above, a grant of $125,000 for the Navajo Community College, plus a few hundred jobs in the mines and generating plants. It was like trading away Manhattan Island for $24 worth of trinkets.

Sadly, the Navajo leaders who agreed to the contracts felt they were acting in the best interests of the tribe. They were told by Peabody, by the power companies and by the Interior Department that nuclear energy was the coming thing, that if they ever wanted to sell their coal, they had better do so right away. They were advised to keep prices low in order to be "competitive," though it was not clear whom they were competing against, or why the real competition should not have been in bidding between Peabody and other coal companies. Above all they were desperate for jobs and revenue, and felt that any deal they could get was better than nothing. They had little knowledge of the adverse effects of strip-mining or air pollution, and the Interior Department's Bureau of Indian Affairs, which is supposed to protect the Indians' interests, did nothing to enlighten them. In fact, the BIA actively encouraged Navajo leaders to accept the contracts without quibbling, perhaps because another arm of the Interior Department, the Bureau of Reclamation, would be a prime user of Black Mesa power.

Even if the Navajos had gotten better terms for their resources, it's doubtful that strip-mining would benefit them in the long run. Peabody promises to employ about 375 persons at Black Mesa, of whom 300 or so will be Indians. But these jobs will last only until the coal is depleted in about 35 years. Meanwhile, 50 Navajo families currently sheepherding on the north rim of Black Mesa will lose their livelihoods.

There is also great concern about the Indians' water supply. Peabody firmly insists that its slurry wells are so deep they will have no effect upon subsurface water tables. But the US Geological Survey has stated that the water table north of the strip-mine may drop 100 feet over the life of Peabody's lease. And, say the Indians, the gouging of Black Mesa has already blocked off natural springs and washes, interrupting the surface flow of water to livestock and crops.

And after 35 years? The jobs then will be gone, leaving only empty hulks of generating plants and mountains of overturned earth as monuments to America's hunger for electricity. "We will be like the people of Appalachia," says Robert Salabye, a Navajo Vietnam veteran, "where coal mines have destroyed the health of the people who worked in them, left the land scarred and the people without hope." True economic development, many Navajos are coming to believe, would be for the tribe to develop its own resources, not give them away; to promote clean industry that is permanent, not dirty industry that exploits and runs; to use Navajo water for irrigation, not for slurry lines or for cooling power plants that benefit cities hundreds of miles away.

So the Navajos are in a quandary. Many tribal council members, while admitting they entered into the contracts without full knowledge, are nevertheless reluctant to back out now; they fear the loss of tribal revenue and that other corporations will not build plants on the reservation if Peabody is kicked off. A lot of younger Navajos are not so cautious. They call for lawsuits, strict regulations and other pressures that would eventually force Peabody to stop mining. Some talk of sabotage.

Peter MacDonald, the newly-elected tribal chairman, is caught in the crossfire. MacDonald is an electronics engineer (he worked on the Polaris missile guidance system), a Republican and a believer in private enterprise. He's also a shrewd politician who takes pride in standing up for his people. Lately he has called for renegotiation of the Peabody contract and a halt on new power plant construction until adequate pollution controls can be installed, and he could go further if his constituents demand it.

Because they will spew forth an enormous amount of pollutants, smogging not only Indian land but vast expanses of the pristine Southwest, the power plants of the Colorado plateau are fast becoming one of the hottest ecological issues since the SST. At hearings in Albuquerque last month, Senate Interior Committee chairman Henry M. Jackson (D, Wash.), who fancies himself something of an environmentalist, defined the region's task as one of reconciling the "urgent" need for increased electric power with the equally pressing need for protecting the environment. That's not the real issue. The root problem is to decrease America's appetite for neon glitter, artificial air and electricity-devouring conveniences such as aluminum beer cans – or, if that can't be done, to arrange that those who desire electricity bear the full costs of its production. "Why should Indians be forced to suffer the consequences of America's power madness?" asks Peterson Zah, a young Navajo legal aide. "If the cities must have power, let them put up with the filth that their power greed produces."

**Peter Barnes**

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# Waiting for That Visa to China

## by Richard Dudman

For a good many bright, sophisticated and ordinarily skeptical Americans, getting into the People's Republic of China at this point would be about as attractive as winning a million dollars by taking part in a chain-letter operation. Thus it is that some 250 such persons have lent their names to a projected China tour that has been promoted somewhat along the lines of a chain letter. Each prospect has passed the word along to his friends, and most of them have thought someone else must have checked into the background, reputation and financial responsibility of an obscure "Dr. Fruin" who was behind the scheme and was said to be expecting the good news from Peking just any day that visas were ready and waiting.

Among those who have applied, and whose names have been used by the promoters to attract others, are former Senators Wayne Morse of Oregon and Ernest Gruening of Alaska, though Morse issued a statement after some premature publicity in Seattle denying that he had any part in promoting or organizing the venture and Gruening began to fear that he and Morse were being used as bait.

Joseph L. Rauh, Jr., the liberal Washington lawyer and political leader, heard about it from Charles O. Porter, former Democratic Congressman from Oregon, now a lawyer in Eugene. Porter, returning an old favor, told Rauh he was offering him a free trip to China. Others who were promised free trips, usually in return for recruiting other members of "delegations" of 15 to 25 persons, included Sanford Gottlieb, executive director of SANE. Prof. Jerome Cohen of the Harvard Law School tipped off friends to the opportunity, including David L. Bazelon, chief judge of the Circuit Court of Appeals for the District of Columbia.

Much of the recruiting has stemmed from the efforts of two brothers, Louis Prescott, a former elementary school teacher and sales official for an encyclopedia firm, who operates out of a room and a half of his home in Orange, Calif., and James Prescott, a Ph.D. from McGill University, who works at the National Institutes of Health in Bethesda, Md., and is president-elect of the Maryland Psychological Association. Louis Prescott quit his job with the encyclopedia firm last January to join Educational Friendship Tours, Inc., a few weeks after meeting "Dr." A. Thomas Fruin, the proprietor, then engaged mainly in handling tours to America by groups of German and Japanese students. He rewarded Arizona householders who put them up by promising them free trips to Germany or Japan.

The China tour plan took shape when Fruin went to Japan in February and March, a few weeks before the celebrated ping-pong match. Louis Prescott says Fruin sent back word that Chinese sources there had told him that an American delegation of 250 persons might be admitted to China. Later they decided on smaller delegations of 15 to 25 each, grouped into fields of interest. They incorporated the new venture in May as World Youth Visit Exchange Association USA, with Fruin as board chairman.

James Prescott has said that Morse and Gruening would be co-chairmen of an "international relations" delegation. They were approached after Senator Warren Magnuson of Washington had declined an offer to head a "trade" delegation. Prescott listed Dr. James E. Allen, former US Commissioner of Education and now at Princeton, as head of the "education" delegation; Robert West, president of the Unitarian-Universalist organization in Boston as tentative head of the "interreligious" delegation; and David Ifshin, president of the National Student Association, as head of the "student" delegation. Prescott said that a "social ethics and moral education" delegation would be headed by Edward L. Ericson, leader of the Washington Ethical Society, with the help of Dr. Paul Kurtz, professor of philosophy at New York University in Buffalo.

None of these apparently put up any money. But in Bellevue, Wash., John Stenhouse, an investment banker and chairman of the new tourist agency's executive committee, says he has accepted $600 apiece from 30 to 45 persons including Prof. George Beckman, director of the Russian and Far Eastern Institute at the University of Washington; Prof. William Z. Birnbaum, a mathematician at the same university, and Jack Doughty, associate editor of the Seattle *Post-Intelligencer*.

Porter says Fruin first tried making arrangements through Peking's commercial mission in Tokyo, then through Chinese diplomatic representatives in Hanoi, and finally directly with officials in Peking.

"Wayne and Ernest have been profoundly skepti-

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Richard Dudman *is the Washington bureau chief of the* St. Louis Post-Dispatch.

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cal," Porter said, speaking of Morse and Gruening. "But I think Fruin is acting in good faith. I saw him cross-examined by some of the weightiest financial men in the gilt-edged group in Seattle – Irving Clark and Ned Skinner." Clark, an attorney and radio political commentator, and David E. Skinner, president of a family holding company that owned the old Alaska Steamship Co., are listed by the organizers as having paid a $600 deposit each.

Stenhouse, an investment banker, has been putting the deposits, now totaling something over $30,000, in a special account in a Bellevue bank, where he says the money cannot be touched for any preliminary expenses. The deposits are to be returned in full if the trip does not materialize.

Porter and the Prescotts have been somewhat vague as to Fruin's background. Louis Prescott said he knew little other than that he had been "involved in deblocking currencies in foreign countries." Porter added that Fruin was born in Indonesia and was half Dutch and half Indonesian. Stanley Anderson, a member of the District of Columbia City Council, sought State Department advice when offered a free trip and was told merely that the department had no adverse information about the promoters.

Other inquiries elicited the views that "this outfit doesn't seem to have the transient or prefabricated quality that some of the others have," and that "they claim to have the contacts and seem to be going at it the right way." One official noted that "some quite serious scholars are involved in this trip, and a group of selected, responsible persons representing big organizations would be more likely to get a visa than a grab-bag bunch of tourists."

Word of the projected tour was circulating during the cocktail hour at a recent meeting of China scholars in Washington. One of those present, Prof. Alexander Eckstein of the University of Michigan, said he assumed that the venture must be sound because Professor Beckman was taking part, and he certainly was known for his hard-headedness. Another of the scholars, however, a man who deals with student tours, recalled receiving a letter from Prescott College, in Prescott, Ariz., last year, stating that a certain A. Thomas Fruin was no longer with the college and that the college would no longer be bound by any commitments made by Fruin. Inquiry at the college led to a tale of legal troubles by Fruin in Arizona. His new home is in Las Vegas, Nev.

Fruin was sued on June 24, 1970, by the college for an accounting in connection with his employment for about a year as director of tours by visiting students. The suit sought an injunction to prevent him from operating the tours after his employment was terminated May 31, 1970. The college objected to his operating his own tour for American adults to Japan, using college stationery and without notifying the college of the side venture. The suit was settled out of court and dismissed on July 1, 1970.

This year, Fruin got into trouble with the Consumer Fraud Division of the Arizona Attorney General's office. After an investigation, Fruin signed an "assurance of discontinuance" under provisions of the Arizona Consumer Fraud Act last Feb. 3, agreeing to refrain from "false and misleading promotion" of the program of his Educational Friendship Tours.

In the document, approved by the judge of the superior court of Yavapai County at Prescott, Fruin agreed, among other things, to refrain from representing that Gov. Jack Williams, Senator Barry Goldwater, Mayor John Driggs of Phoenix or any other prominent person had endorsed the travel program unless such endorsement had in fact been given.

Assistant Attorney General John W. Keogh, director of the consumer fraud division, said Governor Williams' name had been used in a news release saying that his meeting with a group of the visiting students had added impetus to the travel program. He did not recall why Goldwater's name had been mentioned, but he described Fruin generally as a "name-dropper."

Fruin also agreed not to promise to provide courses of study for the foreign students unless the courses actually had been established. Keogh said the promoter had "promised six-week courses at the Phoenix Community College, and when the students showed up the college had never heard of it." The "assurance of discontinuance" specified that it was not an admission by Fruin that he had violated the law.

Fruin, who was out of touch for several days while he was moving from Arizona to Nevada, eventually became available and denounced the entire prosecution as an "extortion racket." He said he suspected that the Mafia was trying to frame him as a device to prevent him from continuing to give valuable information to the Defense and Treasury Departments about black-market operations in Vietnam. Asked where he was born, he replied, "Holland." When he was told that Porter had said his birthplace was in Indonesia, Fruin said, "Oh yes, Indonesia. That was when Indonesia was part of Holland."

He said he obtained a doctorate of philosophy by mail from St. Olav's Academy in Malmö, Sweden, in 1966, on the basis of a thesis on foreign exchange on which he was questioned orally in Zurich.

Officials at the State Department express increasing skepticism about the venture, now that they know of Fruin's association with it. But they are cautious about writing off the trip as a total impossibility. The promoters, still waiting for a visa, have canceled one charter of a 250-seat DC-8 stretch-jet and say they are negotiating for another late in August.

Some of the applicants are losing heart; others, such as Professor Cohen, are still willing to take a chance.

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"I don't know who these birds are, but they can't be so bad that we shouldn't give them a try. For an hour of my time, it's worth it."

Bronson Clark, executive secretary of the American Friends Service Committee, says he signed up because "everybody's so anxious to go that they're all clutching at straws." But he calls the operation "about the most inept performance we've ever seen." Another skeptic, Dr. Jerry Hirsch, professor of psychology and zoology at the University of Illinois, says he has been "dragging my feet on recruiting these past few weeks, waiting for something more solid." He called attention to a special problem of timing. One of his recruits, a bee-keeper at Ohio State University, has called to say he could not go if the trip came when he had to inseminate his queen bees.

## 4000 Fatal Fabric Fires

# The Burned Children

## by Ralph Nader

A five-year-old boy was playing in the kitchen while his mother was outside putting wash on the clothesline. The next time his mother saw him, the child was running into the yard and his body was totally black. At first she thought he had been playing with ink or paint. But as she got closer, she realized that his pajamas had burned. All that was left of them were the cuffs burning around his ankles. Later she found bits of charred cloth scattered through the house where the child had run wildly after the pajamas caught fire, apparently on the stove. Four weeks later, the boy died.

This tragic incident occurred just before Christmas last year. It is not an isolated case. Approximately 3000 people die every year after their clothing catches fire. Over 150,000 are injured in the same way. When all fabric fires are included more than 250,000 people suffer injuries and 4000 die each year. An unusually high proportion are children and elderly people. More children under the age of five die from fires and explosions than from any other kind of injury.

Despite the fact that physicians and public health officials have been pointing out these facts for years, and citing instances as shocking as the case of the five-year-old boy, consumers still have little protection against the hazards of flammable fabrics.

The Flammable Fabrics Act passed in 1953 has long been recognized by safety experts as a sham. William White, former chairman of the National Commission on Product Safety, has noted that the Act "is famous for allowing 99 percent of all fabrics marketed in this country to pass the test. It is well known to the plastic surgeons who repair the burned children who were wearing the clothing made from fabrics that always pass this test."

In 1967 attempts were made to correct this situation. The Flammable Fabrics Act was amended to include home furnishings and wearing apparel such as shoes and hats which were not previously covered, and to provide for new flammability standards to be set by the Department of Commerce. Today, three-and-a-half years later, only one new standard has been set and not a single new standard for clothing. The Secretary of Commerce did not even call a meeting of his advisory committee on flammability standards until May of 1969, nearly one-and-a-half years after the amendments were passed.

All the department has done with regard to clothing is to propose a standard for children's nightwear which is so restricted that by industry's own count it will eliminate only 1 percent of the total clothing-related burns. The standard applies only to sleepwear up to the size of 6X. (Yet even many five-year-olds wear larger sizes.) It is less inclusive than England's regulation, in effect since 1967, that *all* children's sleepwear be flame-retardant and that all adult sleepwear be labeled if it does not pass the tests.

The formal administrative procedures to set a new standard for children's sleepwear began in January, 1970. Department of Commerce officials, after many unwarranted delays, now say that a mandatory standard will be set within a few weeks. However there may be yet another delay; the effective date of the standard may be extended from 1972 to 1973 to allow more time for industry to comply.

The only standard the Department has actually set under the 1967 amendments is a test for rugs and car-

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pets that went into effect April 16, 1971. This test was heartily endorsed by the carpet and rug industry because it is so weak most of their products can already pass it. Even the National Bureau of Standards, not known for its vigorous safety efforts, considers the "pill" test for carpets to be inadequate. This test utilizes an aspirin-sized methanamine tablet as a timed ignition source. The National Bureau of Standards calls it a "first generation test," since it "fails" only those carpets that can be easily ignited by a flame as small as that of a cigarette. It does not measure the reaction of a carpet to a larger fire. The carpet that contributed to the deaths of 32 nursing home patients in Marietta, Ohio, in 1969 would have passed the "pill" test.

Rugs that might have trouble passing the test – small machine-tufted carpets – are virtually exempt. The Commerce Department has ruled that such rugs can still be sold whether or not they pass the pill test. The only "safeguard" for the consumer is a requirement beginning December 8, 1971, that small rugs which fail the test be so labeled. These small rugs, less than 4 x 6 feet, account for 18 percent of the market, with approximately 55 million sold every year. Shag rugs, some of which present the greatest flammability hazard of all rugs, are often made in this size range. According to industry's own statement, 80 to 90 percent of these small rugs are made of cotton or rayon and would fail the pill test.

The final loophole in the standard is that carpets produced before April 16 may be sold without being tested or labeled, so consumers can't tell whether a rug has even undergone the pill test. The Department of Commerce hasn't alerted the public to this fact.

The industry has successfully resisted meaningful flammability standards primarily by persuading the Department of Commerce that consumers should bear the burden of protection. The remarks of George S. Buck, Jr., research director for the National Cotton Council, are typical. Mr. Buck alleged at hearings before the Department of Commerce in January, 1971, that "consumers don't give a damn about inflammable fabrics. . . . They are much more interested in comfort, wear-life, and style than . . . fire-resistance."

Even more blatant was the statement of an industry representative who wrote to the Department of Commerce protesting proposed flammability standards for children's nightwear: "It is impossible for industry or government to completely insulate a child from the hazards caused by careless and negligent parents or guardians that allow a child to become dangerously close to a source of flame. This small minority of parents and guardians who fail in their duty should not force the majority of careful and sensible parents to bear the cost of the hardship."

Passing the burden to the consumer is one of the oldest tricks of the marketplace. In reality, the consumer has almost never been offered a meaningful choice in flammable fabrics. It is virtually impossible to outfit a family and furnish a home in flame-retardant material, even though many fabrics can be made flame-retardant. Nor does the consumer have the information to enable him to make a choice between safe and unsafe fabrics. Few consumers think about flammability when they read advertisements that talk of nothing but style and comfort. How many manufacturers have attempted to sell safety in the way they sell fashion and convenience? The answer is virtually none. Even the Department of Commerce, charged with regulating flammability hazards, devotes an entire page in its textile "consumer guide" to "the exciting world of fibers and fabrics" and another page to wash-and-wear miracles. No page is devoted to warning the consumer about the hazards of flammability.

Most people learn about the hazards of flammable fabrics when tragedy strikes their own family. It is almost inevitably a costly lesson. One family in the state of Washington lost two children – a 13-year-old girl and her younger brother – in separate incidents that involved clothing that caught fire.

There are few injuries more traumatic than severe burns – and few burns more serious than those involving clothing ignition. The pain, the scars, the difficult and expensive medical treatment are excruciating burdens for burn victims and their families. And the opportunities for fires are all too prevalent in the home, where 80 percent of all burns occur. Another family lost their only child after his pajamas ignited from touching or coming near the burner on an electric stove. The two-year-old child lived for 69 days with third-degree burns over a large part of his body. In most of these cases, it would have been difficult for the parents to protect their children without totally unrealistic precautions.

Such accidents are not restricted to the young. An 86-year-old retired physician sustained burns over nearly half of her body when the sleeve of her nightgown caught on fire after coming in contact with the burner on an electric hot plate. She died after 22 days in the hospital.

Even when burns are not fatal, in addition to their anguish, families often have astronomical medical bills. One girl was burned when her jacket caught fire; she sustained second and third degree burns over 45 percent of her body. An HEW report stated that reconstructive surgery for her face, hands, and arms could cost $50,000 or more.

Time after time, physicians have brought in evidence of severe burns that could have been less serious or even avoided if the clothing had been flame-retardant. Two electricians were burned when a flash emitted from the high-voltage fuse panel they were servicing. One suffered a severe 40 percent body burn because

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his flannel shirt caught fire. He was in the hospital for three months and required several skin graft operations. The second man was wearing a heavy cotton work shirt and suffered only second degree burns to his hands and face. He was in the hospital for 25 days and required no grafts. Dr. Abraham Bergman, a Seattle physician, asked at Senate hearings in June 1970: "How many bodies have to be stacked up before effective action is taken to prevent clothing burn injuries?"

Efforts to improve consumer protection have been hindered by the fact that the magnitude of the fabric-burn problem has been concealed through lack of precise data. Statistics are still collected so haphazardly that current figures on burn injuries may underestimate the real picture. The National Commission on Product Safety took an important step toward correcting the dearth of injury information by instituting a system of hospital reporting, now operated by the Food and Drug Administration. But there are ominous signs that FDA is actually regressing in the investigation of reported burn cases. It has allowed its specialized teams that make in-depth investigations of injuries to deteriorate to the point where both the Boston and Denver Injury Study Units are operating at half their former level. Many injury investigations are now being carried out by FDA field inspectors who have no expertise at all in the area of consumer product safety.

The Department of Health, Education, and Welfare has been woefully inefficient in submitting its reports to Congress on injuries and deaths associated with the use of fabrics. These reports should be made annually under the 1967 amendments to the Flammable Fabrics Act. The first report was due in 1968 and was not delivered until after the second report was due in December 1969.

A chief block to greater safety remains weak government standards, often with loopholes so that manufacturers can avoid meeting even those regulations. The setting of weak standards initially makes it even harder to improve them, a fact recognized by the industry since 1953. The Department of Commerce, one of the least responsive of all government agencies to needs of consumers, has gone along like putty in the hands of manufacturers. Senator Warren G. Magnuson, author of the original Flammable Fabrics Act and Chairman of the Senate Commerce Committee, commented recently on the performance of the Department of Commerce in implementing the Act. He said: "No single bill with which I have been associated has been so bitter a disappointment. . . . A National Commission on Product Safety report last year reached two basic conclusions: the powers contained in the Act are adequate; the Department of Commerce is grossly inadequate."

Regulation has been reduced to an impotent approval of products that are cheapest for industry to make and will yield the highest profits. Low or nonexistent standards have made possible a controlled market where the innovative manufacturer who develops a safer fabric can be undercut by competitors who lower their prices temporarily and drive him off the market. Furthermore, manufacturers have frightened consumers by telling them that prices will go up for flame-retardant clothes (without mentioning that millions of dollars would be saved if burn injuries decreased). The available evidence suggests that the projected price increases are, in large part, either bluff or so much in excess of costs that manufacturers would be able to sustain them only by colluding. One garment manufacturer we contacted, for example, anticipates a $1.70 price differential between flame-retardant and regular pajamas. But cost data which he later provided shows that the additional cost of producing flame-retardant pajamas amounts to little more than the extra 55 cents per pair required to buy chemically treated fabric. Instead of intervening on the side of the innovative manufacturer and the consumer, Commerce has been a loyal defender of these textile interests who say they "cannot afford" to provide safety.

Two things are urgently needed if there is to be any change. First, the Department of Health, Education, and Welfare is going to have to provide more vigorous data collection on burn injuries and renew its almost dormant research function. Consumers will have to demand that information collected by HEW be made public and that specific brands be named as market guides, according to their flammability hazards or their safety improvements.

Second, concerted consumer pressure will be required if the Department of Commerce is to be moved to enforce the law. Congressional hearings to inquire into the protracted delays in setting standards is one step. Another step is citizen petitions to the Department to activate administrative procedures to set meaningful standards. The insurance industry could be of key assistance here. It may well be that a legal challenge to the Department's failure to move expeditiously in this area will be required or that the regulatory function should be placed elsewhere. It is Senator Magnuson's firm judgment that "the flammable fabrics program should be taken from the Department of Commerce and merged with the overall product safety program in an agency which is willing and capable to do what must be done."

Many deaths could be prevented and injuries greatly reduced in severity. We know how to make fabric less flammable. We know too that it is more efficient to make clothing safer than to keep children from climbing on stoves or persuade mothers not to buy frills for little girls. In few areas have industry and government been less responsive to consumers.

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# Stanley Kauffmann on films

## The Clowns

(Levitt-Pickman)

## Walkabout

(20th Century-Fox)

Well, at least Fellini has found something to do. In the past few years the Italian television network, RAI, has commissioned some directors to make films for broadcast. Federico Fellini accepted a commission and made *The Clowns*. It's shorter and very much simpler than his previous picture, *Satyricon*, and at least it's something he did, not something that shows, however elaborately, that he had nothing to do.

From the title on, we're in familiar Fellini country. The idea of the human being as clown, seen affectionately as fellow-grotesque, has always been central to Fellini's vision, even when the action was "straight." Giulietta Masina's persona is clownish. Mastroianni grappling with Ekberg in the Roman fountain of *La Dolce Vita* is clownish. Besides, the circus and clown, literally, have been in several Fellini films. He couldn't even do Petronius without including some circus-like performances. And now he has made a documentary-essay on the disappearance of the clown.

The European clown is a different breed from the American. There have been no great American circus clowns; our great clowns have been in vaudeville and films. Some US circus clowns have been puffed as great, but I've seen most of them and I disagree. In our circuses the clowns, almost always, are mere wearers of make-ups and users of gadgets. With a few days' training, anyone could do any of the clown acts I saw in the Ringling Brothers circus last year. European clowns use make-up and gadgets but they also need talent. (The clown acts in Chaplin's *The Circus* are European in feeling.) Certain aspects of that talent are Fellini's principal subject.

He is tracing the modern history of the White Clown and the Auguste. The former was the authoritarian, the latter the miscreant, the slapper and the slapped. Fellini himself is in the film. (A wonderfully theatrical man, too, as anyone who has seen his TV interviews will know.) With his camera crew, whom he introduces to us, he goes off to interview the survivors of the old circuses: in Italy, in France, in Spain. Everything is framed in memory and fantasy; the film begins with the boy Federico being awakened in the middle of the night by the sounds of the men putting up a circus tent in the field next door, and it ends with a fantasy of departure. But the body of the film consists of interviews, explorations, and re-creations of the acts of long-gone clowns.

The happiest element is the free-flowing form, following impulse and nostalgia. *The Clowns* is not edited with the quasi-subliminal, shutter-clicking effect of some Fellini films. Its lines are cursive; visions flow in and past. Time and place are not strictly sequential, even characters shift: in the last sequence, reminiscent of the end of *8½*, two of the camera crew are among the clowns!

Many of the familiar Fellini hallmarks are present. First, the lighting – theatrical as ever. Often a character first appears with his face completely shadowed before he "enters." Then there is Fellini's relation of the human face to Daumier caricature. After the boy Federico sees his first circus, he perceives how many of his fellow-townsmen look like clowns. And, as always, there is Fellini's eye for deep composition. Example: a stationmaster in that home town is insulted by some schoolboys departing on a train. The pompous little official jumps up and down with rage. In a shot down the platform, Fellini shows us the hopping-mad midget in the foreground and, in various planes in the background, several fat men doubling up with laughter. The sanctification of memory touches this wonderful shot because it is silent: the sound under it is the narrator's voice, with music.

And this brings up a device I can't remember from previous Fellini. Often he plays dreamy music under a scene when the circus band, which may even be visible, is obviously playing something else. Sometimes in the interviews he, quite deliberately, has the dialogue slightly out of sync with the speakers' mouths. This disjuncture of sound and image seems a way to remind us of time levels: the time that is being commented on and the time when the film was made.

Some of the music comes from *8½*, some of it comes from Chaplin. (The cabaret song from *Modern Times*, "Punkawalla Punkawa.") And there's another tribute to Chaplin. A magician in Paris has an assistant who is one of Chaplin's daughters. The slow shot in which the camera dollies up to her, as she takes off her clown nose and whirls paper streamers while soft music tinkles, is a bouquet.

Sentiment is both the strength and the weakness of the film. An unsentimental man could not have made it,

*(Continued on Page 33)*

## Films Worth Seeing

*Claire's Knee.* Eric Rohmer's chaste and fascinating study of early middle-aged desire, in a style that is utterly, if quietly, cinematic. Diderot would have liked it.

*La Collectioneuse.* Also by Rohmer, also about desire. Somewhat less chaste and considerably less complex, but still gratifying. Nestor Almendros photographed both Rohmer films in delightful color.

*The Confession.* Costa-Gavras, who made *Z*, has made less of a thriller and more of a Koestlerian drama about the 1952 purges in Czechoslovakia. Yves Montand is the century's victim.

*Derby.* Roller, that is. A quasi documentary about a young man who wants to be member of a racing team. Robert Kaylor, director and cameraman, has caught the rink world and the world around it.

*Little Big Man.* Lots of gore and also considerable humor in this morality tale of a trapper who lives to 121, alternating between white and Indian societies. Arthur Penn directed, but Dustin Hoffman makes the film.

*Patton.* Re-issued. A generally gripping film, damn it. George C. Scott is monumental, Franklin Schaffner has directed deftly. Fred Koenekamp has photographed stunningly. Hold on to your gorge and go. SK

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# The Rise of William Dean Howells

## William Dean Howells: An American Life by Kenneth S. Lynn

(Harcourt Brace Jovanovich; $13.95)

Students of American literature have never quite known what to do with William Dean Howells. He may not be one of the immortals but neither is he one of those writers who deserve neglect. Had he merely been a friend of those great antitheses, the pale-faced Henry James and the red Injun Mark Twain, it would be easy enough to find his match; had he only been an influential editor of *Atlantic* and *Harper's*, using his position to gain recognition for younger writers, similar cases could always be found; had he been solely a novelist and travel writer of undisputed if unsensational accomplishment, his like would not be hard to locate.

But Howells was all these and more, and if he was able to admire the vastly different talents of Mark Twain and Henry James, yet never quite open to the devastating vision of the one or up to the high demands of art of the other, in his very in-betweenness, his very quiet but sturdy accomplishment, we can find much to admire and not a little to imitate. Howells may have had less art than James, but he had more craft than Twain. He may offer little to the scholar-critic in search of mysteries or myths, but he has much to teach us about the possibilities (and exigencies) of American literature and the public life. Much more than either James or Twain, it seems to me, Howells was painfully alive to the moral imperatives of the writer in a democracy, and though I understand the complex reasons for Howells's decline in critical favor, I have always had the uneasy suspicion that in the clean eyes of some angelic visitor, his days and works would be valued highly.

The problem of the writer in America is still the problem of art in a democracy, and to the extent that Howells was forced continually to confront that dilemma, both as a novelist and editor, he is as much one of us as the Mark Twain from whose one book Hemingway claimed "all modern American literature comes," or the Henry James whose presence broods upon the waters of so many seminars in the contemporary novel. Indeed, if the Gilded Age is the place where we all began, it may be Howells, more than either Twain or James, who is the father of us all, having been so much more actively engaged in the political, social, and commercial aspects of his day. *Huckleberry Finn* and *The Ambassadors* may mark the extremes of the kinds of art possible in America, but neither book, quite literally, would have been possible without William Dean Howells.

To understand him, however, it is necessary to remove Howells from the shadow of his relationship with Twain and James, and Kenneth Lynn has attempted to do just that. Half of his biography is devoted to the young Howells, who has by Chapter Eight (of Twelve) only just arrived at the ripeness of years and influence. Where one might expect Lynn to dwell at length on those later years, and particularly on the complex personal and literary relationships between Howells and his two great friends, neither of them are given much more attention than the two thieves in most paintings of the Crucifixion. Nor are we overburdened with details about Howells's crowded and busy life during his influential editorships, materials for which are abundant. Instead, having followed his hero to the Temple, and described the recognitions of the Elders (viz: James Russell Lowell and Oliver Wendell Holmes), Lynn hastens to speed up the action, bustling Howells toward the Gethsemane of 1886-87, when he spoke out alone in defense of the Haymarket Anarchists, and then on to his Crucifixion by such fashionable high-priests as H. L. Mencken.

Nor is this sacrifice of detail carried out in the name of the "private" Howells, for we learn nothing about his often troubled and even tragic family life that is not available in earlier studies and collections of let-

## *For A Late Asian Friend*

When we were young and prime and in possession,
And we were east and early and immortal,
All for all things – bud out of bud in procession –
We were lifted, not knowing, by levels,
The brimfuls of a turning water-wheel.

What was it like when every trial was yours
And every task was a playing with the hours?

You went from work at the bank to sound the horn at the temple
And to make the oxen in the paddies all unkneel.
So too your scholar rose, and on the subway
Paused for his absent morning contemplation
With his legs crossed on the mountains of the real.

Chrysalis on the turning down of the stream,
Catkin along the way of the wind's unfurling,
Papoose on the travelling back of the wending woman,
Each calls out for the day and time when
It is let down from the sweetness of the holding
And unchafed from the thongs of the enfolding;
And then, it cries to be taken up again.

Reuel Denney

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ters. What Lynn *has* done is to abstract from the crowded whole of Howells's public and private life those aspects which emphasize the tensions – the Passion as it were – so as to counterbalance the popular impression left by the bludgeon attacks of Mencken and his literary boob-squad. Just as the highlights of the portrait on the dustjacket reveal a network of erosion lines in the customarily placid and smooth landscape of Howells's face, so Lynn's perspective brings out the Christ in the man we always thought was jesting Pilate. He shows that Howells's sunny aspect, close in, takes on the glory of Christian optimism, of psychic triumph over deep suffering, and that it is not merely the glow reflected from those two incandescent luminaries whose presence has always in the past given Howells the only lustre he could claim.

Remove Twain and James and – surprise! – Howells remains standing. Even more, we begin to suspect that it would be the other two who would have tumbled without the middle man, that he was the keystone and sole support, made of that durable stuff which can stand the stress and strain of public life. Howells lacked Twain's colorfulness, but he also lacked his flaws, and though he was of coarser texture than James, he was that much tougher also. To understand the stone, you must consider the quarry from which it came, and it is such considerations which cause Lynn to spend so much time with Howells's youth and young manhood.

Unlike James, who was to mannerism born, or Twain, who was carried to sudden fame on the shoulders of the mob, Howells had to work towards the top the slow way, meaning the politic way. Lynn describes in detail the rigors of Howells's childhood amid the rough-and-tumble of Ohio small-town boy life, which seems to have been more violent than the relative idyll which young Sam Clemens enjoyed farther west, and which Howells, unlike Clemens, never regretted having to leave behind him. The son of an improvident Swedenborgian visionary and drifter from print-shop to newspaper to print-shop, Howells's early life was given what stability it had by his mother. Sensitive, unstable, prone to unreasoning fears, yet eager to participate in the rough fellowship of other boys, Howells continually struggled for recognition against odds. Self-taught, like Clemens, but much better read than he, like Clemens also Howells started out as a printer, escaping village life and breaking into literature through the back pages of midwestern newspapers, as a poet, essayist, and reviewer.

When Howells finally made his decision to break with that Great Village, the Middle West, becoming the first of the "back-trailers," he astonished easterners like Lowell and Holmes with the quality of his conversation and the breadth and depth of his culture. If, as a westerner, he was quickly accepted by the East, it was because, like Bret Harte, Howells was an easterner at heart, valuing and sedulously imitating eastern norms. He was, after all, from the old Western Reserve – New England West – the product of a society far different from that of the neighboring Mississippi Valley, whose southwestern stamp marked Twain for life. In a sense, Howells's physical remove from West to East, unlike Twain's, was only the flesh following the spirit.

Still, Howells was from Ohio, not Massachusetts, and though he became as Bostonian as the rest of them, there was that in him which remained different (as there was that in him which was different back home), and Lynn points to the significance of Howells's many changes of address, from the country to the city to the suburbs and then to the country again, his restlessness indicative of his inability to locate himself psychically as well. In Boston, as in Ohio, Howells was a perpetual outsider, and yet his struggle for recognition gained him the degree of acceptance necesary to stage a very quiet cultural revolution. Indebted for his rise to establishment lights like Lowell, constantly aware of the necessity of currying the favor of poets like Longfellow who had long since passed their creative prime, Howells by necessity was something of a Heep. And because he was first on the scene, and because of his western sympathies, Howells soon found himself playing Heep for other western writers too, men of less sophistication, like Mark Twain. Indeed, it was because of Howells' median and mediating role, because of his skill at playing the self-effacing, eastern game, that Twain was able to preserve his essential westernness, that is to say his innocence, which is not to say his virginity, the loss of which (as with Swinburne's) cannot be precisely charted, but which involved the Wall Street Bear, not the Brahman Bull.

Howells was, it must be said, very good at the game, and manifestly enjoyed being scratched behind the ears by Lowell and Holmes. But it must also be said that Howells eventually rebelled, and if he did not exactly bite the hand that had stroked him, he in effect peed on the foot that had kept him at heel. Gently, of course, even imperceptibly at first, and never so hotly as to be kicked until he was already too far away to be touched.

The break came during the writing of *Silas Lapham*, undoubtedly one of Howells's finest novels, and resulted in the writing of another, *A Hazard of New Fortunes*. From the outset of his career Howells was the occasional victim of nervous breakdowns, marked by a terrible sense of estrangement from self and society – the result of social tensions and vague but apparently familial and sexual psychoses. His increasingly ambiguous position as editor of the *Atlantic*, the illnesses of his wife and daughter, and the highly personal content of *Silas Lapham*, all acted together to bring on one of those lapses. Howells customarily survived his attacks of psychic vertigo by stubbornly clinging to his writing desk, drawing on the tremendous inner resources which carried him through his childhood, and generally was able to recuperate quickly. But this breakdown, which coincided with Howells's approach to middle age, was different and more dramatic in its outcome. Like Silas Lapham himself, Howells emerged a changed man. He left Boston and the *Atlantic* and all that they stood for, moved to New York, took on the influential "Editor's Study" column at *Harper's*, and began that often one-sided battle in the cause of literary realism which is generally admitted to have been his single most important contribution to American literature. The assumption of this new role provided the substance of *New Fortunes*, and, as that novel clearly demonstrates, provided new tensions as well.

It was at this point in his career that Howells spoke out alone in defense of the Anarchists, defying the pressures of the literary community to remain silent, and hazarding thereby his own fortunes, then at their zenith. It was at this time, too, that Howells came under the influence of Tolstoy, and

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his failure to imitate his Russian model's imitation of Christ causes Professor Lynn to lose the sympathetic understanding which he demonstrates throughout the larger part of his study. The effect of Tolstoy on Howells's life and art, according to Lynn, remained minimal, and the implication is that Howells thereby somehow missed the boat to literary greatness. Unlike Tolstoy, Howells remained estranged from the working class, and viewed the clamorous, multilingual throngs of New York with distaste bordering on xenophobia. Howells's subject remained the professional, literary, and artistic people of the upper middle class, and though he often condemns them (and hence himself) for failures of nerve and for the pursuit of material comforts, his political position remained to the end of his life that of a middle-class liberal. An increasingly bitter one, at that, one capable of the agonized outcry in a Parisian garden which formed the nucleus of James's *The Ambassadors*, suggesting the recognition of a wasted life of compromise.

If compromise *is* waste, then one must acknowledge the possibility, but we must also remember that Strether is James's Howells. Lynn, in stressing that incident, is too hard on his subject, as he is too unrelenting in his insistence that *Hazard of New Fortunes* fails to live up to Tolstoy's demands for perfect sympathy with the masses. "At the end of the novel," says Professor Lynn, the Basil Marches (the Howellses) "are out of touch with the reality of the city as they were at the beginning." Howells, Lynn points out, tried but was unable to renounce his middle-class identification and comforts, and the implication is that he was less than a man for having failed.

But is it in the slums that reality resides? Were not those slums, as Norris frankly admitted, the equivalent of Scott's romantic ruins? Were they not, for such as Crane and Dreiser (as for Dickens) the exotic museum of live horrors through which the tourist-reader was led (as through Haight-Ashbury) with many a titillating shudder? Howells, after all, would have cut a strange figure *là bas*, working his way through the American Inferno (as he had Dante's) with his consul's Italian. What Howells did was what he had instructed younger writers to do, and that was to write about what he knew best – the life of the professional, artistic, middle-class man. This was perhaps more honest than the slumming trips of the naturalists, and certainly more believable. No matter how hard they try, the attempts by the sons of the middle class to identify with the poor always turn into some version of noble savagery, some variety of worship of the lowly. Whether it is Mrs. Stowe's Uncle Tom, Twain's Huck Finn, Steinbeck's Joads, or Hemingway's clean, well-lit Spaniards, the result is sentimental baloney, another kind of Cooper Indian. Howells, who fought a life-long battle against sentimentalism, seems to have known what he was doing.

Though he was unable to renounce his middle-classness, Howells in the end made the right because the only effective choice. He stayed where he was and did the best he could with what he had, using his novels and his editorial position to argue for what he believed in, which was the duty of American literature to concern itself with a realistic – that is to say critical – portrayal of American life. There is not, moreover, a far leap from Howells at *Harper's Monthly* to Thoreau's defense of John Brown at Harper's Ferry. Howells's dual kinship, to us and to Thoreau, is suggested by a sentence quoted by Lynn from *The Rise of Silas Lapham:* "'If a community was corrupt, if an age was immoral, it was not because of the vicious, but the virtuous who fancied themselves indifferent spectators.'" If the biting ironies of "A Plea for John Brown" can still make us writhe, so also should this gentler but stinging instrument. Howells *is* one of us, but one of the few willing to risk everything for the sake of moral principle. Even Thoreau, castigating Concord from the Lyceum platform, has less to show in the way of psychic courage.

Professor Lynn is to be congratulated for his attempt to make us see, through a different perspective, the Christ in Howells. His effort should also inspire us to take another look at those accepted saints of American literature, those suffering, "wounded men" like Melville and Twain, whose artistic agonies have in the past seemed so Promethean and sublime. And if we do, we may make the uncomfortable discovery that those novelists and poets whom we have been championing for the past thirty-odd years in our courses in American lit-


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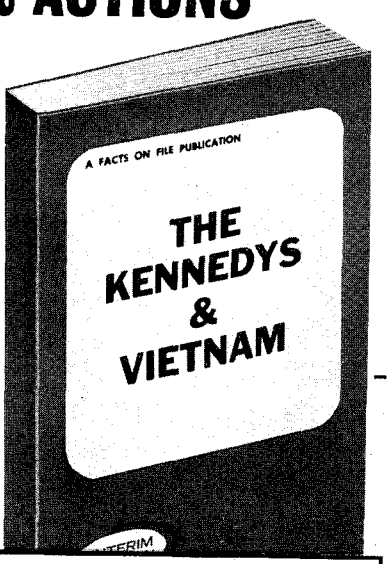


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our great clowns have been vaudeville silent or obliquely allusive concerning the great moral issues of their own day. We may find that they left the quarrels, the decisions, and hence the blame, up to contemporary public men, the equivocal equivalents of Johnson and Rusk, Nixon and Laird. Had they done otherwise, or had been able to do otherwise, they would undoubtedly have ended up competing with Howells for space on the lower rungs of the ladder, that middle area which was for him the true reality, and which time reveals Howells to have been the most, perhaps the only, skillful interpreter of for his contemporaries and for us.

**John Seelye**

# A Loving Daughter Speaks

## Discretions
## by Mary de Rachewiltz

(Little, Brown; $8.95)

Reminiscences of and about literary folk are pouring out of publishing houses to remind us again and again of the death of the New Criticism – which Ezra Pound barely managed not to be a party to – and the rebirth of that pleasantly sentimental view of art that places people before poems – a view EP always professed *violently* not to be a party to, he being made of sterner stuff. But the fact is EP was not made of sterner stuff. He distrusted the sentimental but was thoroughly sentimental; nor could he, though he tried and tried, rise above personality for more than thirty seconds. To his daughter Mary he was "Babbo," and *Discretions* is her marvelous testimony to the wealth of feeling in and around this man. A most touching book.

But not an easy book for the newcomer to Pound to unpeel. Babbo, though he harped on the importance of objectivity, educated the world and his daughter in a sort of impressionism that leaves the reader holding quantities of homeless names, events and details. The piecing together in this instance is a minor operation, nothing like that involved in Babbo's own work, but an operation nonetheless; those who come to the book unaware that EP mixed an anti-usury theory of money in with his poesy, that he admired Mussolini as a man of order, that he was declared a traitor to the US and lived the war out in Italy, that he was brought home to stand trial but was adjudged of unsound mind and not tried, and that he was awarded the Bollingen Prize for literature in 1949 while in St. Elizabeth's Hospital in Washington, DC, not to mention that he wrote all those *cantos* the daughter keeps quoting from, will need a crib by their side as they read the daughter – for daughter writes as did father, *from* the inside and *to* the inside. In his old age Babbo is reported recently to be yearning remorsefully for the company of his "own kind," and daughter's book yearns that way too – a fact that does not lessen its merit but, presumably, its following.

Daughter of EP and Olga Rudge, Mary, born in 1925, did not know there was a Mrs. Pound (Dorothy Shakespeare) until she was 18. Farmed out as an infant and until she was four on a Tyrolean peasant family, she lived intermittently with her true parents in Venice for some years before being farmed out again to a very strict convent school in Florence. As a result of her virtual quarantine she saw EP's Rapallo home – the place his expatriation has come to be largely identified with – only once before World War II.

The reason she could not be admitted to the center of EP's life is obvious enough, but not provided the reader until page 258 – for apparently Mary herself was not enlightened until full grown – when EP's capture and incarceration at Pisa broke down the Victorian walls in his two-family arrangement and revealed "two women who loved him, whom he loved, and who coldly hated each other." It is the stress of the conjoining of these two family strands that Mary finds behind the outburst in Canto 81 (written at Pisa), "Pull down thy vanity."

Mary met Mrs. Pound and son Omar for the first time while EP was in the Pisan detention camp (all members of the family converged there to see him when, after his capture and abduction, his whereabouts became known), but her distance from that side of the family should not be allowed to obscure the considerable intimacy she had achieved with EP long before the Pisan tragedy. One somehow doesn't imagine EP taking children to flicks to see *Snow White* and *Tarzan* and Fred Astaire, but he did so with Mary. He also, more predictably, had her reading the Chinese philosophers at an early age, and messing around in Ovid. He also had her sitting in on occasions when he read his cantos aloud and "a sort of tinkle hung suspended in the air, threatening to explode if anything moved." Her account shows him as a stern patrician with cane and cloak who would nonetheless depart readily from his splendors and indulge in great bear hugs. Similarly Mary herself, who obviously has ambitions as an artist and does not wish to have her account degenerate into easy familial piety, is deeply sentimental about her Babbo, thinking of him not only as a loving father but also as "the nation's greatest poet." She is not an apologist then but, as she should be, a true enthusiast, and has no time for his detractors, feeling little need for example to defend his speeches on Rome radio or otherwise justify his eccentric, alien vision. When he sails for America in 1939 as a one-man band to talk congressmen into sanity and sound money, she gives us a nice feeling for his noble intentions without for a moment suggesting that the plan might be a bit wild (interestingly, she thought at the time that the family – both families? – might all soon go and live in America, a possibility that EP himself seems not to have seriously entertained, or at least not entertained after putting his foot actually ashore in the US in 1939 and finding the place uncongenial, the natives unfriendly).

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And when, following a series of wartime misfortunes he arrives in 1943 "all covered in dust, like a beggar" with "his feet, red, full of blisters, his ankles swollen," in the Tyrol, having walked a good bit of the way from Rome, she, a native of sorts, is there to worry the nightmare with him of being a man without a country. Finally, after the Pisan affair, after his removal to America and his years in St. Elizabeth's, she, now married, is one to whom a good part of the burden for saving the wrecked life falls. She picks it up eagerly, sure of his rightness, of the injustice done him, of his sanity, "a strong live man with his mind entire." When he is released she has a castle waiting.

It is a fairy tale. One would like to know what the other side of the family thought of Mary, and to hear a little solid gossip about the familial friction; for Mary is overkind; the man and his work exist in a cloud. But there are plenty of other intelligences working from outside the cloud on EP's life. We can therefore be nothing but grateful for this vision from within it, a warm and enticing picture of a man who managed to create around himself – for the benefit of those who were *not* of the family but artists, lovers of poetry, tourists of Parnassus – the opposite impression, of an unyieldingness, one of those ancestors on the wall with whiskers and exorbitant demands on humanity. EP's demands were indeed exorbitant when it came to poetry – and his expectations of it were wild; he thought it could save the world – but of people and life, if we can believe Mary, he was much more indulgent.

A story EP tells (via Mary) may be appropriate here. After arriving in the Tyrol dusty and exhausted in 1943 he headed back – the war scene temporarily brightening – for Rapallo on a train with freight cars up front and one passenger car on the rear. As he boarded the car he commented to Mary – wryly, as she put it – that he was used to that arrangement, having first gone out of Idaho with a snowplow on the front.

True, and did he not throughout his life always have something of ponderous import and function up front? It would seem so. And this is why it is important that his daughter has told us a little of what it was like in the passenger car.

**Reed Whittemore**

# Bringing Environment To Court

## Defending the Environment: A Strategy for Citizen Action by Joseph L. Sax

(Knopf; $6.95)

It was barely three years ago that Howard K. Smith, speaking to an assembly of newspaper reporters and editors, commented that ravages of the environment were the most unreported issues on the American scene. That, of course, is no longer the case. In addition to newspapers that are heavy with conservation stories, most book stores now have fully half a wall of environment books with pictures of trash cans or smokestacks on the cover and images of doom inside. Sadly, most of these books are bandwagon efforts. They look the same and read the same, each lamenting identical horrors.

What the conservation movement has not produced are books that examine the avenues of redress and levers of power within (or without) the various levels of government. We are told to write our congressman, use fewer paper towels and, perhaps, pray. The assumption has been that environmental reform is almost entirely a matter of administrative fiat: a new agency, a new set of rules, and the problems are solved.

Yet the country now has thousands of air pollution control districts, and more dirty air than ever. Every town big enough to have a McDonald's hamburger stand also has a planning agency, but the two usually have little to do with each other; the planners plan and the hamburger stands (with all their familiar relatives) proliferate. More often than not conservationists have discovered in governmental agencies not an ally but just one more enemy. The Forest Service lobbies for the Timber Supply Act; the Environmental Quality Council approves of the SST. Like Sachel Page, we are sometimes afraid to look back for fear that something awful may be catching up. It probably is.

In its jacket design and in its title, *Defending the Environment* initially appears to be yet another tale of environmental woe. This is unfortunate because Joseph L. Sax has proposed in his book a re-shaping of this country's courts that may radically increase the power of conservation groups. *Defending the Environment* is not a horror catalogue, though it begins with a minute dissection of one minor horror at Hunting Creek, Virginia. Sax, professor of conservation law at the University of Michigan, serves up the potential desecration of Hunting Creek not as a lament but as a classic example of the failure of protective agencies to protect. The protective agency, in this case the Department of the Interior, at first opposes a proposed development, later withdraws its opposition, and still later reinstates its opposition, all for reasons which are complex and fascinating but have nothing to do with the environmental effect of the Hunting Creek development. It is a case of what Sax calls the "insider perspective." Sensitive, intelligent men make delicate decisions based not on their mandate under law, but on the myriad forces and counter-forces of a government agency: the discreet phone call, the right name, the precise weighing of men and power. At Hunting Creek the scales were tested and, like a courteous bow, they bent toward the developer.

Now, this is not new stuff; the failing of representative democracy has been pointed out before. But Sax uses the *sturm und drang* of Hunting Creek only as a setting; it proves the need for the following chapters. The missing element in the interplay of agency decision-making is the voice of the public. The problem is to re-introduce that voice into the decision-making process, and the tool for that re-introduction, Sax believes, is the courts.

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As a public forum, the courts are unique. Ideally, they offer many advantages over the administrative agency. A man with a legitimate grievance (that is, a man whose legal rights have been transgressed) can press his grievance in an atmosphere that gives no sway to the political weight and greater resources of his adversary, even though that adversary is a government agency. The "insider perspective" is absolved. Moreover, and counter to the prevailing opinion, courts can be fast, often granting injunctive relief in a fraction of the time that an administrative agency would take testing the political winds.

Unhappily, however, the ideal situation is not the real one. Judges have proven to be skeptical men in regard to environmental suits, attempting to transform broad questions of policy into narrow questions of legal procedure. If a law has been violated, or a legal procedure not followed, most judges will readily hear the case. But if those who seek relief come forward simply as members of the public entitled to clean air and water, they will be denied judicial intervention. If, for instance, a highway commission decides to reduce a lovely park to eight lanes of concrete, but does so with required studies and acceptable engineering practices, the court will likely rule that the public has no right to sue. One judge noted that just such a highway commission had made judgments "so bizarre as to be almost irrational." Yet, he ruled that the judgments were legal, and threw out the case.

Thus, the stage is set for Sax's program. Administrative agencies, pushed and shoved into decisions harmful to the environment, must be made responsive to the public will. The logical instrument for that reform is the court, but the court so far has proved unwilling. It must be persuaded or forced into action.

The simplest way to bring the full power of the courts into the environmental arena, says Sax, is to pass a law ordering them to consider the public policy questions that they traditionally ignore. Sax has succeeded in getting just such a law passed in his home state of Michigan. Indiana and Connecticut have passed weaker versions; California and other states are thinking about it.

There are drawbacks to this approach that would immediately occur to most conservationists, and Sax spends a great deal of time dispensing with them. Consider, for instance, the Alaska pipeline. If the Department of the Interior, with all its expertise, its coveys of scientists and engineers, eventually studies and recommends the construction of the pipeline, what possible right has a judge to overturn that decision? Is this not a most capricious way to determine public policy, resting the matter in the hands of one man, one who likely has little or no technical expertise in the question involved?

No, says Sax, simply because those are not the questions the judge actually encounters. "The role of the courts is not to make public policy, but to help assure that public policy is made by the appropriate entity, rationally and in accord with the aspirations of the democratic process." In the case of the Alaska pipeline, the judge is not asking whether the tundra will be harmed, but whether the involved agencies have done everything in their power to assess environmental impact and protect the area against possible harmful effects. "To be sure," writes Sax, "judges must make some tentative judgement about what the policy is, or should be"—but the important reservation is the word "tentative."

Which leads to Sax's final point: in granting injunctions or moratoriums on administrative actions, courts are not preempting the policy makers. They are saying, "we believe there is a question here whether the public will is being performed. We are not sure; we believe the legislature should decide." The promoter of the project must then obtain from the legislature specific authorization – if he can. If he cannot, then obviously something is wrong, and the project should be redesigned until permission can be given.

It is a powerful idea. What man who has ever fought a highway department or power company can feel anything but a kind of sadistic joy at the thought of hauling these people into court to demand, not whether they have followed their own pettifogging rules, but whether they have done the right thing? It boggles the mind; the government agency, that rough beast that does eventually make cowards of us all, may actually be diverted or even, for a while, contained.

There will be problems. Lawsuits consume appalling amounts of time and money. The courts will never replace administrative agencies; at best they will act as a public overseer. But, God knows, that is more than we now have.

**Robert A. Jones**

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# Agonies of a 'Mongrel'

## Beneath the Underdog by Charles Mingus

(Knopf; $6.95)

Charles Mingus – "Not Charlie, please. I'm definitely not a Charlie. Not that Charles is much better. I don't particularly care for any name in this society" – is one of the most arresting figures in contemporary American music. His notoriety derives equally from his brilliance as jazz composer and instrumentalist and from his unpredictable, sometimes violent, behavior. Perhaps no musician of his generation – he is in his late forties – more vividly symbolizes the black pride and anger that have emerged so stridently in jazz; yet, as his autobiographical *Beneath the Underdog* plainly and often poignantly illustrates, Mingus himself is not so conveniently categorized.

Musically, Mingus occupies a secure position. Beyond doubt he is one of the great jazz bassists, if not indeed the greatest, his style distinguished not merely for its firm rhythmic foundation but for improvisational flights not easily performed on his instrument. As composer, he reveals a respectful allegiance to the past – Negro church music and Duke Ellington are perhaps his strongest influences – and an intense, sometimes chaotic, mood.

It is the mood of the man himself. Though *Beneath the Underdog* is only incidentally a book about Mingus' music, it makes clear that his music is as much a vehicle for personal release as for artistic expression, if not more. *Beneath the Underdog* is part of that same process of intimate revelation, and though it has great weaknesses it possesses much the same wild fascination as his music.

"Some names in this work have been changed," Mingus warns at the outset, "and some of the characters and incidents are fictitious." One wishes there were some way to distinguish the inventions from the recollections, but it is certainly tempting to place the book's sexual passages in the first category. Indeed, Frank Harris and the Anonymous Victorian Gentleman undoubtedly would blush with inadequacy after reading the adventures of SuperMingus, who by his own account is one of history's great boudoir athletes. Taking on two dozen girls in one night is mere child's play: "What's the matter, Hickey? Why you look at me like that?" "Man, there's something wrong with you. What you did in two and a half hours ain't possible." "Ha ha! I'll do that when I'm sixty, ninety, one hundred, when I'm dead!"

But Mingus' sexual extravagances, his incessant assertions that black is best in bed, are part of his larger search for self-discovery and self-justification. Mingus is the son of a Watts postal employee who could pass for white and "taught race prejudice to his children – said they were better than others because they were lighter in color." Boys darker than Charles were "them little black nigger yaps" to his father, and Charles' pain at learning he was in fact one of them was bitter: "For the first time it came to him that whatever shade he was, he was going to be nothing but a nigger to some people."

Since then, his life has been a persistent conflict between blackness and whiteness within himself. He attempts not merely to conform to the myth of black sexuality but to embody it; yet after two unsuccessful marriages to black women he is now married, evidently happily, to a white. His music is determinedly "black," and only on the rarest occasion does he acknowledge the competence, not to mention the "soul," of a white jazz performer; yet he is constantly drawn to white classical music, and is almost envious of the training and self-discipline it requires of its performers. He is contemptuous, generally with good reason, of the whites who have appropriated jazz criticism to themselves; yet the white jazz critic Nat Hentoff is among the few people he accepts as close and trusted friends. It is tempting to say that within his own tumultuous personality he embraces the racial polarities and confusions of the nation. Tempting, but excessively grandiose.

There are, I think, no cosmic morals to be drawn from his story. To be sure, there is much to be observed in his life of the cruelties, random and calculated alike, which our society imposes on its black citizens, especially its black children. But those cruelties have been documented quite thoroughly enough; Mingus adds nothing of real moment to the chronicle of black suffering, save where he portrays the unique agonies of a "mongrel" such as he calls himself.

Rather, the value of Mingus' tale is as an account of one man pursued by his particular demons and trying to make something of his talents. In a curious way, *Beneath the Underdog* is an American success story. It is not merely that Mingus has overcome Watts, and everything that implies, to occupy a central place in American music, but that he feels he has gone beyond prejudice, that he occupies a "colorless island." Odd that a man who has raged so violently against a white man's world should say that, but somehow *Beneath the Underdog* makes you believe him.

**Jonathan Yardley**

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# Notable

## The Hidden Life of Emily Dickinson by John Evangelist Walsh

(Simon & Schuster; $7.95)

John Walsh is persuaded that Emily Dickinson's poetry is heavily cribbed from the Brontes, Elizabeth Barrett Browning, Hawthorne, Emerson and a number of others. He makes the case that Emily (he keeps referring to her as Emily, which might in turn make a case for Women's Lib) picked up the cribbing art at the time of the publication of E. B. Browning's *Aurora Leigh*, which was the rage in Amherst in 1857 and which seeded, says Walsh, at least sixty of her poems, "with echoes of at least fifty hovering just out of reach." She had been a "sentimental versifier," an "admittedly clever but disturbingly precious, unprofound and often childish young woman," but the cribbing procedure suddenly made her into "a poet of major accomplishment." Walsh notes a significant change in the character of her work in the *Aurora Leigh* year.

Walsh puts passages by Emily against their "sources" with great industry and demonstrates, with a specificity that probably no one has before, that Emily's learning and experience were literary. In other words she got her stuff from books. The fact now seems obvious – where else, given her secluded life, would she have gotten it? – yet the fact has been overlooked or played down by other Dickinson scholars in favor of the woodnote-wild warbling. It is a fact that need not modify one's estimate of her work, but certainly helps to characterize that work. It also helps to make the search for Emily's always just-slightly-missing lover seem a waste of time. Walsh joins that search, and singles out Otis Lord for special attention, but he is careful to insist that "to get at the secret of Emily's broken heart [one] must begin by sweeping to one side her entire body of verse" – because her verse is not secretly confessional but a rehash of others' verses. "Too often," he declares, "she will be found parading in rented costume."

What Emily borrowed were ideas mostly. She had her own music (which Walsh neglects to mention), and in large measure her own imagery – but unquestionably her debts were large; she probably wouldn't have *started* many of her poems without the proddings of her "sources." As she put it, she was a phebe:

I was a phebe, nothing more,
A phebe, nothing less;
The little note that others dropped
I fitted into place.

Walsh outwits himself. He has a way of ending chapters with overwhelming questions, and riding his thesis with spurs; so his book has an air of sensationalism about it that will not sit well with the academic community. Yet his contribution looks like a major one to the Dickinson industry that has already produced more than 60 full-dress published studies – plus the unpublished, and thousands of articles.

## Down the Rabbit Hole by Selma G. Lanes

(Atheneum; $7.95)

Selma Lanes is a parent, hence an authority on children's literature; but she is also a professional reviewer of it, that is, an insider – and this turns out to be a handicap. Her world is Dr. Seuss, Maurice Sendak and company, and though she tries to make her book a kind of history of the genre (going back to *St. Nicholas* magazine) she doesn't worry sufficiently about the commercial character of the genre, which to almost any parent has the look of Anderson's Fairy Tales made into General Motors, to be really spacious about it. Thus she favors reality in the sense that she wants the three bears to look like three bears, and favors keeping children in touch with experience in the sense of not being sheltered from visions of psychic monsters; but these preferences are displayed largely in terms of the going thing, which is ninety percent *un*real and *un*experiential to begin with. What a fact is, where history books or books of the everyday or books of plain photographs fit in, and what has happened to those children one used to hear about who were deep in Tacitus at the age of five – these matters she neglects, with the result that the genre is treated as a precious specialty, a wholly separate department – which is exactly what it has become in the publishing world, as if children were not human but had fur all over them and frequented treestumps, until the wild day they suddenly picked up *Catcher in the Rye* and thus graduated to the textbook department.

## My Son is a Splendid Driver by William Inge

(Atlantic-Little, Brown; $5.95)

William Inge, novelist and playwright, seems unable to shake off his love for America's plain, ordinary people, especially those who live nearer to the country than the city, and nearer to the nation's geographical (and maybe spiritual) heart than its coastal stretches of industrial and commercial power. In this second novel he gives us the Hansen family from the town of Freedom in southeast Kansas—the father a traveling salesman, but no desperate, bragging, pathetic Willie Loman, the mother nervous yet strong and almost fiercely dedicated to her daughters and sons. The family's history over the years is told by Joey, the youngest son, and Inge does well with the first person narrative, both an inviting and difficult mode of story-telling. The plot is not especially dramatic; what makes the book interesting and such a contrast with so many of today's novels is the author's interest in looking at the textures of midwestern American family life with genuine affection. Not that families like the Hansens don't have their shortcomings; Mr. Inge portrays the psychological tensions between his characters, and does not hesitate to make them capable of greed, rivalry, meanness and narrowness. But on the whole, for all their limitations and faults, the Hansens are decent people.

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They struggle hard to feel respect for themselves and for others. They value knowledge, even if they don't possess all that much of it. They believe in work, in being polite and kind and friendly. And they take their country for granted in a certain way. They are not shrill (hence nervous and maybe doubt-ridden) patriots who shout about America's greatness, and they are not social critics, who cannot rest easy without a new wart to expose, a new failing or danger to point out. Rather one feels the Hansens struggling to make sense of this large and rich and sometimes confusing nation – and doing so in the concrete, matter-of-fact way that "ordinary" people do. The novel inevitably has a sad and wistful tone to it. The Hansens themselves go through some painful moments, and their lives eventually intersect with the Great Depression of 1929, when any private madness around was more than reflected in the public chaos of the day. Still, there are happy moments, and they are not begrudged us, not reduced to sentiment, not called fatuous, not explained away as mere distractions or as cover-ups for something sinister at work in someone's, everyone's mind. Perhaps the word is dignity; Mr. Inge does not want to strip his characters of dignity. He is as worried about bruising his characters as he is determined to refuse the reader fashionable sociology, high strung politics, depth psychology, and the latest twist of sex. His novel is not a great one, but it is well written, enjoyable and upon occasion moving to read, and unselfconsciously thought-provoking.

# A Communication

## A Vietnamese Student

Three months ago, I received news from friends in Saigon that a fellow student was "in danger" on the penal island of Con-Son, on the verge of dying through either torture, beating, or starvation. He is Nguyen-Truong-Con, a friend of mine.

Born in 1943, two years before the Declaration of Independence from the French, Nguyen Truong Con comes from a poor family in the South. His parents could not afford to send him to French Lycees in Saigon or Dalat (a mountain resort), institutions where children – this writer included – of the traditional elite, the upper middle class and the privileged few used to go. Con registered in a Vietnamese public school, his studying interrupted at times by financial difficulties. He was not known as an activist. He was, however, like others whose political awareness emerged in mid-1963, when the Diem dictatorship applied its repressive squeeze in its confrontation with the Buddhist Church. Military juntas and the Thieu-Ky regime have since tried to keep the student movement scattered.

In 1967, in the midst of US escalation of the conflict, Con was a third-year student in electrical engineering at Phu-Tho school. Then followed the Tet offensive of 1968. The destruction unleashed by the Allies' drive against NLF forces brought disaster to Vietnamese in cities and provincial capitals. In its aftermath, the Thieu-Ky regime's foundations were deeply shaken. More Vietnamese were interested in searching for a political settlement, and one of them was Nguyen Truong Con. In April 1968, the Saigon Student Union's Central Committee appointed him press officer for the Union. In May, Con became editor in chief of the review *Sinh-Vien*, the Saigon students' official organ. In the first issue, he wrote a famed editorial condemning the war conducted by the US in Vietnam and claimed for his fellow countrymen their right to self-determination and to struggle for peace in their land. The Saigon regime raided the review offices and picked up Con for interrogation.

On July 9, 1968, a week before my father's trial, the unconstitutional Military Field Court took less than an hour to sentence Con to five years of hard labor. The charge against him (and against my father) was "committing acts which undermine the spirit of the anti-Communist struggle of the people and the army." He was taken to Con-Son.

Con-Son, or the famous Poulo-Condor as it was known to older Vietnamese nationalists, was established in 1939. The French "colons" made extensive use of this wretched prison complex to imprison rebellious Vietnamese fighting for Vietnamese independence. It is still in use during these last days of the Thieu regime. At present, Con-Son has some 10,000 prisoners, most of whom are there because they expressed their desire for peace, for a political settlement in South Vietnam.

Nguyen-Truong-Con was detained in a crowded cell until he became one of the leaders of a small protest movement against prison conditions early in the fall of 1970. As a result, the commander of the island, Le Canh Ve, ordered his transfer to the tiger cage area, and more beatings. Le Canh Ve, the "island master," is known to make great financial profits from food allowances to prisoners, and seems to have good family connections within the Ministry of Interior.

As described in the *Congressional Record*, following the visit of two Congressmen in June 1970, the tiger cage is a 10-by-6-foot hole, with metal bars running horizontally on top the cage. Five prisoners are usually shackled in the cage in a no-standing, no-sitting position. Prison guards often mix the little amount of rice given to prisoners with sand and pebbles. Despite an official claim that their use was stopped after the Congressmen's visit, they are still in operation and as crowded as before.

On April 14, a delegation of Saigon students met with the Saigon officials and asked for Con's release. The American National Student Association was asked to support the request. Some US Senators and Representatives made inquiries, and at the end of April the State Department informed the NSA that Con would be released July 7, 1971. Meanwhile, he is still somewhere on Con-Son, and Don Luce of the International Voluntary Services, who knew Con during his years in Vietnam, says: "He is a very strong-willed and charismatic student. He would not compromise. You better hang onto your State Department letter because I don't think they will let him free."

A great number of dedicated Vietnamese who experienced the hardships of Con-Son never made it back to Saigon. Can this one student be saved?

**David Truong D.H.**

*The writer's father, Truong Dinh Dzu, received the second highest number of votes (17 percent) in the most recent presidential election in South Vietnam. He is still in jail.*

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# Correspondence

## Dollar Saga

*Sirs:*

The balance of payments statistics cannot be effectively analyzed by examining them category by category, as you did in your May 22 issue ("Saga of the Dollar").

Your article cties the fact that in 1970 merchandise exports exceeded imports by more than $2 billion and then tends to place the blame for the overall balance of payments deficit on nearly $5 billion in foreign military expenditures, about $4.5 billion in foreign aid, and $4 billion in direct investments abroad by American corporations. These expenditures, however, are precisely the ones which caused the $2.2 billion merchandise surplus to develop, despite an overvalued dollar. I think much can be gained by an examination of this merchandise surplus. It dwindles to a little over $200 million if the obvious deficits of $1.6 billion in travel spending and $0.4 billion in transportation expenditures are subtracted, but much more important are the effects of the other accounts on merchandise sales.

Foreign aid is probably the most significant category here. Most US foreign aid is "tied," meaning it must be spent on US-made goods and services, with no balance of payments cost. In 1970, a little over $3 billion of US merchandise exports, not associated with military sales contracts, were purchased by US government foreign aid grants and loans, over $1 billion of this in the farm product disposal programs alone. These are expenditures for US merchandise that, to a large extent, would not be made if the money were not made available by these grants and loans. Without foreign aid, therefore, our merchandise account would show a clear deficit. Incidentally, the total dollar loss from government grants and loans in 1970 was less than $0.7 billion, while we received over $1.7 billion in repayments of previous loans. The net balance of payments effect of foreign aid past and present was therefore a $1 billion surplus.

Although direct overseas investment by US corporations does not have as large an impact on the merchandise balance as foreign aid does, it still plays a significant part. Many of these investments result directly in exports of US-made machinery, primarily because this is what the corporations are familiar with. These exports would probably not occur if US direct investments were not made. Furthermore, the 1970 income from previous direct investments was over $6 billion, and another $1.5 billion was received in fees and royalties from direct investments. This totals to $3.5 billion more than the current outflow of direct investment. Cutting off direct investment might, therefore, have the long-run effect of killing the goose that lays the golden eggs.

Both foreign aid and direct overseas investment thus have a much smaller balance-of-payments cost than is shown by the figures in their individual accounts and, more importantly, they both inflate the merchandise export total and camouflage the real problem, that the dollar, at current exchange rates, is overvalued. Cutting down on foreign military expenditures would certainly aid our balance of payments, but this move alone would not swiftly wipe out the US deficit as you suggested. A much more fundamental readjustment, of the value of the dollar, and, indeed, of our entire international monetary system, is necessary.

*Bruce McCrea*
*Vassar College*

*In Reply . . .*

United States exports of nonmilitary goods and services exceeded imports in 1970 by fully $8.5 billion. Lusty as this favorable balance was, reflecting the international competitiveness of American business, it was still not sufficient to balance the flow of $5 billion in military expenditures, $4.5 billion in foreign aid, and $4 billion in purchases by Americans of foreign productive facilities. These three items, which for brevity we'll call *special* transactions, totalled a little more than $13 billion, a figure that dwarfs the $3.8 billion "liquidity basis" deficit that we suffered in the balance of payments as a whole. Our point was that a big enough reduction in these special transactions – but especially in military expenditures – could eliminate the deficit entirely.

Mr. McCrea's claim is that if any or all of these transactions were reduced, there would be offsetting losses in our exports. The important question is, how much of an offset? There is no evidence that our military expenditures provide any great stimulus to our exports, in the sense of creating a substantial demand that would not otherwise exist, and Mr. McCrea presents none. There is no evidence that our direct investments abroad carry any close ties to our exports, although some small impact would not be surprising. However, the only figure Mr. McCrea presents on this count is irrelevant: the $6 billion in income we received from *past* investments in 1970 would not be influenced even if the current flow of new investments dropped to zero.

Nevertheless, let us suppose, illustratively, that for every extra dollar the US spends on military activities or on the purchase of foreign productive facilities, our exports rise by 10 cents – an extravagantly generous estimate, we think, of the possible offset. Then if these two special transactions were cut by 50 percent, or roughly $5 billion, our exports would decline by $0.5 billion. The net gain to our balance would be $4.5 billion, enough to eliminate our $3.8 billion deficit and leave a handy surplus. Ending the Vietnam War and eliminating present tax subsidies to foreign investors (to the tune of about $700 million annually) would take us a long way toward that objective. That was one of the main points in our "Saga of the Dollar," and one that does not seem to be affected at all by Mr. McCrea's argument or statistics.

*The Middle Americans*, with text by Robert Coles and photographs by Jon Erikson, has just been published by Little, Brown & Company ($12.50). Coles is a contributing editor to *The New Republic*.

*The Trouble with Americans* by Alex Campbell has been published by Praeger ($6.95). Campbell was managing editor of *The New Republic*, 1964-1970.

### Notes on Contributors

Robert A. Jones *is the environment editor for* The San Francisco Bay Guardian. John Seelye *teaches English at the University of Connecticut.* Jonathan Yardley *is book editor of the* Greensboro Daily News.

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Mr. McCrea also mentions foreign aid, and here the ties to offsetting receipts from foreigners are undoubtedly substantial, although not nearly as great as he suggests. For example, the $1.7 billion of "loan repayments" he cites includes receipts from Great Britain, West Germany, and other European countries, and has only a remote relationship to the current flow of assistance to the developing countries. The $3 billion of US exports which he says were purchased with our foreign aid is in fact an estimate by US administrators who have as much interest in coming out with a big figure as those who make the body counts in Indochina. However, we would not like to see foreign aid diminished, although it could profit from a redirection and channelling through multi-national agencies.

*The Editors*

## Property Taxes

*Sirs:*

Robert Cassidy's "The Trouble with Property Taxes" (May 15) is a counsel of confusion. . . . The practical essence of the property tax situation appears to be neither in its abolition nor in placing sole reliance upon it. Surely, the income tax is no easy avenue to tax progressiveness, with numerous loopholes still expansive enough for a growing band of millionaires to pass through to total tax freedom each year, even after the 1969 tax "reform." The US tax system, if it is that, is an expediency, subject to some modification here or there, but abandonment of any major element – property, general sales, excises, income, or inheritance – appears no more likely for one than another, given the propensities of governments to spend and society to require public services.

Still the property tax can be considerably improved: better, more knowledgeable administration, elimination of exemptions which do not serve an important contemporary public purpose, adoption of safeguards against tax escape, or alternately, letting everyone have equivalent loopholes.

Urban Planners have particularly strong reasons for interest in the possibilities of the property tax. Its rates and its exemptions should be consonant with the purposes of publicly adopted comprehensive plans and action programs. The property tax program can assist in saving a marginal area from becoming a slum, though it can scarcely be believed that its resourceful use will count for much alone in transforming a Brownsville into a place fit for human existence. If exemptions are geared to the planned protection of open space at locations, in quantities, and with controls of use and access consistent with the public interest, then the differential application of the property tax may further save the environment from the depreciations of pervasive urban sprawl.

Existing use-value versus potential value is an unsettled but lively debate. Very probably all cases cannot be treated alike as the foregoing suggests. Saving the senior citizen from dispossession, the welfare household from an institutional ghetto, open space from the land scalper, or historical buildings from obliteration will not be served by philosophies of "highest-and-best use" which ignore other social costs and benefits. But countering those who may play a "waiting game" at public expense – who perpetuate undermaintained or blighted property, or who keep land idle or substantially underutilized, until it is optional from their own personal financial viewpoint to do otherwise, can be furthered by taxing on potential values if the taxes are brought to effective levels.

What is called for is concern to create a social strategy for the use of the property tax in which practical performance will put various theories to the test.

*Arthur L. Grey, Jr.*
*Department of Urban Planning*
*University of Washington*

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## "Better Army"

*Sirs:*

I read with interest John V. M. Dippel's article "Getting Nowhere Through Channels" in your May 22 issue.

Mr. Dippel's account of events is essentially correct as I know them. These are disquieting times for the Army, times that demand enlightened and dynamic leadership. I hope Mr. Dippel's account of his experiences will serve to shed some light on the depth of what yet needs to be done to build the "Better Army" that Army Chief of Staff General Westmoreland speaks of. It would be absolutely untrue for me to suggest that the criticism directed at me in my handling of the Dippel Case forced me to retire. However, this case, along with other disquieting incidents with which I have been personally involved, strongly influenced my decision to seek early retirement from the Army this summer.

*Richard Kim*
*Lt Colonel, Infantry*

## Kauffmann, *from page 22*

which would have been a loss. A less sentimental one would have avoided things like the final trumpet duet in an empty circus hall. Possibly moments like this are Fellini's obeisance to explicit television.

Still I can't see why anyone wouldn't enjoy *The Clowns*. (A marvelous picture for children, and it won't bore the parents who take them.) It's a job that Fellini did and did well, employing both his strengths and his weaknesses. It's not an occasion for an essay on Fellini Today; it's a piece of work that he did in 1970, that's all. We'll have to wait for the next picture of his "own" for further comments on his progress. This is a valentine he contrived, while waiting.

Anyway, the film has its built-in warning against heavy comment. In one scene Fellini is seated with a serious young interviewer in a bank of otherwise empty circus seats. The interviewer asks him for the message of this picture; Fellini starts to reply

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when the scene is suddenly truncated – I won't say how. It's an argument Against Interpretation much funnier than Susan Sontag's.

*Walkabout* almost falls between two stools. As an adult film, it's homiletic and gooey. It would be an exceptionally good film for children except for an incident near the beginning and one near the end. In the first incident, a man goes mad, tries to shoot his son and daughter, then sets fire to his car and shoots himself. Near the end there's another suicide, though not nearly as gory as the first. Parents might think the latter no worse than, say, the end of *Romeo and Juliet* and might want to wait until the early death is over, then take the kids in. For that purpose, the picture is worth investigation.

A fourteen-year-old girl and her seven-year-old brother, who live in an ultra-mod apartment house in Sydney, go out to the Australian desert with their father for a picnic. Father then goes berserk, as described; the children are left alone in the wilds. They wander until they meet an aborigine youth on his walkabout – a rite of passage in which a youth is sent out for some days to survive or die. He keeps the white pair from dying. Without a common language, the three become friends, the youth hunting and caring for the others. Their friendship ends, rather grimly, when he gets the pair to a paved road. The white children go on unscathed.

Obvious contrasts are continually drawn between decadent civilization and healthful simplicity. Those contrasts, as well as the pretty photography, seem to be on a good nourishing level for children under, say, twelve. There are a number of huge closeups of insects. devouring one another, of maggots teeming through carrion – nothing more scary or less instructive than what a country child sees every day.

The attraction of the film is in the sense of fellowship with nature. This comes chiefly from David Gumpilil, the aborigine, who is enchanting, Jenny Agutter, the girl, is aloof and spunky; Lucien John (son of the director, Nicholas Roeg) is cantankerous and fearless. Edward Bond, the gifted English playwright, did the script from a novel by James Vance Marshall. I wish Bond had found a way to explain the walkabout in the film itself; I learned about it from a program note.


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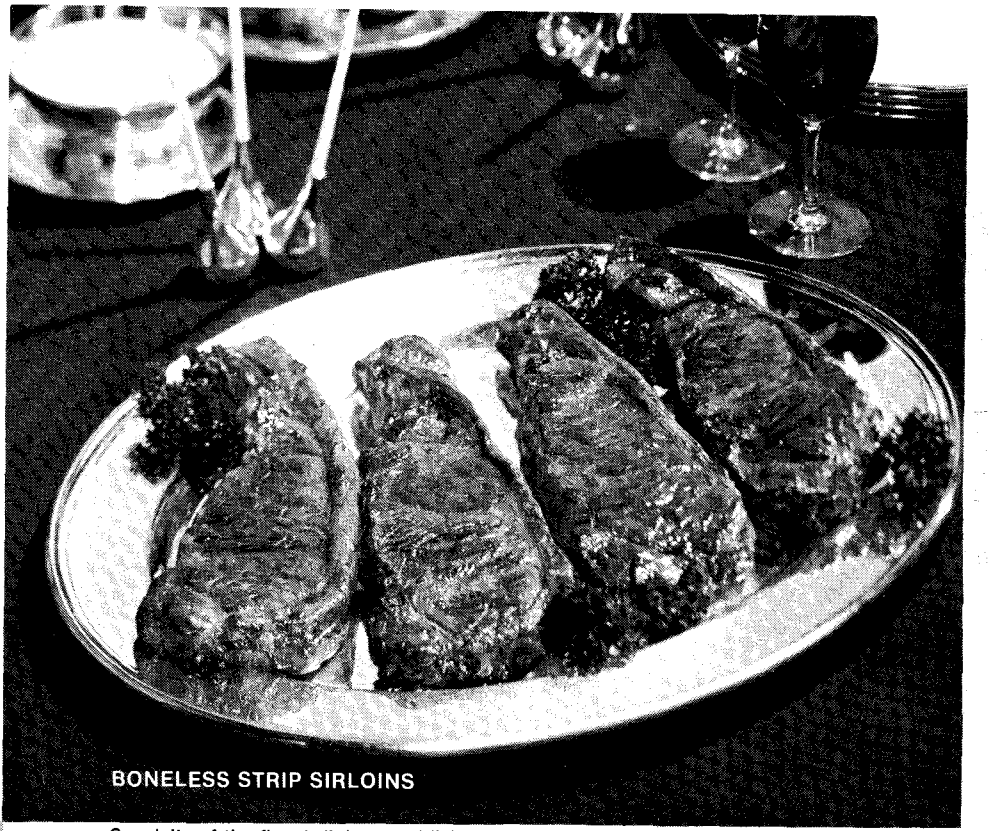

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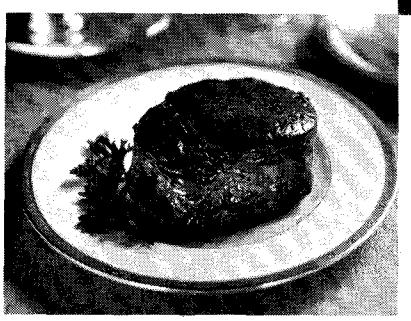

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